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WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

WHEN: Tuesday, June 11, 2013
9 a.m.–12:30 p.m.

WHERE: Office of the Federal Register
Conference Room, Suite 700
800 North Capitol Street, NW.
Washington, DC 20002

RESERVATIONS: (202) 741–6008

Contents

Federal Register

Vol. 78, No. 112

Tuesday, June 11, 2013

Reader Aids

Consult the Reader Aids section at the end of this page for phone numbers, online resources, finding aids, reminders, and notice of recently enacted public laws.

To subscribe to the Federal Register Table of Contents LISTSERV electronic mailing list, go to http://listserv.access.gpo.gov and select Online mailing list archives, FEDREGTOC-L, Join or leave the list (or change settings); then follow the instructions.

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

7 CFR
3201 34867

12 CFR
261 34874

14 CFR

Proposed Rules:
1 34935
23 34935
25 34935
27 34935
29 34935
39 (2 documents) 34958, 34960
61 34935
91 34935
121 34935
125 34935
135 34935

26 CFR
40 34874
49 34874
602 34874

33 CFR
100 (5 documents) 34879, 34881, 34884, 34886, 34887
117 (4 documents) 34892, 34893
165 (6 documents) 34887, 34894, 34895, 34896, 34897

34 CFR
Ch. III (2 documents) 34897, 34901

Proposed Rules:
Ch. III 34962
75 34962

40 CFR
52 (5 documents) 34903, 34906, 34910, 34911, 34915
62 34918

Proposed Rules:
50 34964
51 34964
52 (5 documents) 34965, 34966, 34970, 34972
62 34973
70 34964
71 34964

45 CFR
1180 34920

47 CFR
15 34922

50 CFR
648 34928

Rules and Regulations

Federal Register
Vol. 78, No. 112
Tuesday, June 11, 2013

DEPARTMENT OF AGRICULTURE

Office of Procurement and Property Management

7 CFR Part 3201

RIN 0599–AA16

Designation of Product Categories for Federal Procurement

AGENCY: Office of Procurement and Property Management, USDA.

ACTION: Final rule.

SUMMARY: The U.S. Department of Agriculture (USDA) is amending the Guidelines for Designating Biobased Products for Federal Procurement, to add eight sections to designate product categories within which biobased products will be afforded Federal procurement preference, as provided for under section 9002 of the Farm Security and Rural Investment Act of 2002, as amended by the Food, Conservation, and Energy Act of 2008 (referred to in this document as ''section 9002''). USDA is also adding a new subcategory to one previously designated product category. USDA is also establishing minimum biobased content for each of these product categories and subcategories. In addition, USDA is officially changing the term ''item'' to ''product category.''

DATES: This rule is effective July 11, 2013.

FOR FURTHER INFORMATION CONTACT: Ron Buckhalt, USDA, Office of Procurement and Property Management, Room 361, Reporters Building, 300 7th St. SW., Washington, DC 20024; email: *biopreferred@usda.gov;* phone (202) 205–4008. Information regarding the Federal preferred procurement program (one part of the BioPreferred Program) is available on the Internet at *http://www.biopreferred.gov.*

SUPPLEMENTARY INFORMATION: The information presented in this preamble is organized as follows:

I. Authority

These product categories are designated under the authority of section 9002 of the Farm Security and Rural Investment Act of 2002 (FSRIA), as amended by the Food, Conservation, and Energy Act of 2008 (FCEA), 7 U.S.C. 8102 (referred to in this document as ''section 9002'').

II. Background

As part of the BioPreferred Program, USDA published, on December 5, 2012, a proposed rule in the **Federal Register** (FR) for the purpose of designating a total of eight product categories, and two new subcategories within previously designated product categories, for the preferred procurement of biobased products by Federal agencies (referred to hereafter in this FR notice as the ''preferred procurement program''). This proposed rule can be found at 77 FR 72654. This rulemaking is referred to in this preamble as Round 10 (RIN 0599–AA16).

In the proposed rule, USDA proposed designating the following eight product categories for the preferred procurement program: Aircraft and boat cleaners; automotive care products; engine crankcase oil; gasoline fuel additives; metal cleaners and corrosion removers; microbial cleaning products; paint removers; and water turbine bearing oils. USDA also proposed to add the following subcategories to previously designated product categories: countertops to the composite panels category; and wheel bearing and chassis grease to the greases category.

Today's final rule designates the proposed product categories within which biobased products will be afforded Federal procurement preference and adds the proposed countertops subcategory to the existing composite panels product category. USDA has determined that each of the product categories being designated under today's rulemaking meets the necessary statutory requirements; that they are being produced with biobased products; and that their procurement will carry out the following objectives of section 9002: to improve demand for biobased products; to spur development of the industrial base through value-added agricultural processing and manufacturing in rural communities; and to enhance the Nation's energy security by substituting biobased products for products derived from imported oil and natural gas.

When USDA designates by rulemaking a product category (a generic grouping of products) for preferred procurement under the BioPreferred Program, manufacturers of all products under the umbrella of that product category, that meet the requirements to qualify for preferred procurement, can claim that status for their products. To qualify for preferred procurement, a product must be within a designated product category and must contain at least the minimum biobased content established for the designated product category. With the designation of these specific product categories, USDA invites the manufacturers and vendors of qualifying products to provide information on the product, contacts, and performance testing for posting on its BioPreferred Web site, *http://www.biopreferred.gov.* Procuring agencies will be able to utilize this Web site as one tool to determine the availability of qualifying biobased products under a designated product category. Once USDA designates a product category, procuring agencies are required, generally, to purchase biobased products within the designated product category where the purchase price of the procurement product

exceeds $10,000 or where the quantity of such products or of functionally equivalent products purchased over the preceding fiscal year equaled $10,000 or more.

The BioPreferred program started using the term product category in the fall of 2011 while drafting a proposed rule to amend the BioPreferred Program Guidelines (FR DOC # 2012–10420, published May 1, 2012). The preamble to that proposed rule explains the change from ''items'' to ''product categories.'' Below is the text that appears in the proposed rule:

''3. Replacement of ''Designated Item'' with ''Designated Category''

The current guidelines use the term ''designated item'' to refer to a generic grouping of biobased products identified in subpart B as eligible for the procurement preference. The use of this term has created some confusion, however, because the word ''item'' is also used in the guidelines to refer to individual products rather than a generic grouping of products. USDA is proposing to replace the term ''designated item'' with the term ''designated product category.'' In addition, USDA is proposing to add a definition for the term ''qualifying biobased product'' to refer to an individual product that meets the definition and minimum biobased content criteria for a designated product category and is, therefore, eligible for the procurement preference. Although these changes are not required by section 9001 of FCEA, USDA believes the proposed terms and definitions will add clarity to the rule.''

Because USDA did not receive any comments opposing this change during the 60-day comment period on the proposed rule and because it will be some time until the rule is promulgated, USDA is incorporating the new product category language in this designation regulation.

Subcategorization. USDA is subcategorizing three of the product categories. Those product categories are: aircraft and boat cleaners; metal cleaners and corrosion removers; and microbial cleaning products. The subcategories for the aircraft and boat cleaners product category are: aircraft cleaners and boat cleaners. For the metal cleaners and corrosion removers product category, the subcategories are: stainless steel cleaners; other metal cleaners; and corrosion removers. For the microbial cleaning products category, the subcategories are: drain maintenance products; general cleaners; and wastewater maintenance products. USDA is also adding a new subcategory for countertops to the composite panels product category designated in Round 2 (73 FR 27954, May 14, 2008).

USDA will continue to gather additional data related to the categories designated today and additional subcategories may be created in a future rulemaking.

Minimum Biobased Contents. The minimum biobased contents being established with today's rulemaking are based on products for which USDA has biobased content test data. Because the submission of product samples for biobased content testing is on a strictly voluntary basis, USDA was able to obtain samples only from those manufacturers who volunteered to invest the resources required to submit the samples. USDA has, however, begun to receive additional biobased content data associated with manufacturer's applications for certification to use the USDA Certified Biobased Product label. These test results are also considered when determining the minimum biobased content levels for designated product categories.

In today's final rule, the minimum biobased content for the water turbine bearing oils category is based on a single tested product. USDA will continue to gather information on the lubricant product categories designated today and if additional data on the biobased content for products within these designated categories are obtained, USDA will evaluate whether the minimum biobased content should be revised in a future rule. We are also clarifying definitions of water turbine bearing oils versus turbine drip oils.

Overlap with EPA's Comprehensive Procurement Guideline program for recovered content products under the Resource Conservation and Recovery Act (RCRA) Section 6002. This final rule designates one product category for Federal preferred procurement for which there may be overlap with an EPA-designated recovered content product. The product category is engine crankcase oils, which may overlap with the EPA-designated recovered content product ''Re-refined lubricating oils.'' EPA provides recovered materials content recommendations for these recovered content products in Recovered Materials Advisory Notice (RMAN) I. The RMAN recommendations for these CPG products can be found by accessing EPA's Web site *http://www.epa.gov/epaoswer/non-hw/procure/products.htm* and then clicking on the appropriate product name.

Federal Government Purchase of Sustainable Products. The Federal government's sustainable purchasing program includes the following three statutory preference programs for designated products: the BioPreferred Program, the Environmental Protection Agency's Comprehensive Procurement Guideline for products containing recovered materials, and the Environmentally Preferable Purchasing program. The Office of the Federal Environmental Executive (OFEE) and the Office of Management and Budget (OMB) encourage agencies to implement these components comprehensively when purchasing products and services.

Other Preferred Procurement Programs. Federal procurement officials should also note that biobased products may be available for purchase by Federal agencies through the AbilityOne Program (formerly known as the Javits-Wagner-O'Day (JWOD) program). Under this program, members of organizations including the National Industries for the Blind (NIB) and the National Institute for the Severely Handicapped (NISH) offer products and services for preferred procurement by Federal agencies. A search of the AbilityOne Program's online catalog (*www.abilityone.gov*) indicated that products within three of the product categories, or subcategories, being designated today are available through the AbilityOne Program. These are: Composite Panels—Countertops, Metal Cleaners and Corrosion Removers—Stainless Steel Cleaners, and Metal Cleaners and Corrosion Removers—Other Metal Cleaners. While there is no specific product within these product categories identified in the AbilityOne online catalog as being a biobased product, it is possible that such biobased products are available or will be available in the future. Also, because additional categories of products are frequently added to the AbilityOne Program, it is possible that biobased products within other product categories being designated today may be available through the AbilityOne Program in the future. Procurement of biobased products through the AbilityOne Program would further the objectives of both the AbilityOne Program and the preferred procurement program.

Outreach. To augment its own research, USDA consults with industry and Federal stakeholders to the preferred procurement program during the development of the rulemaking packages for the designation of product categories. USDA requests stakeholder input in gathering information used in determining the order of product category designation and in identifying: Manufacturers producing and marketing products that fall within a product category proposed for designation; performance standards used by Federal

agencies evaluating products to be procured; and warranty information used by manufacturers of end user equipment and other products with regard to biobased products.

Future Designations. In making future designations, USDA will continue to conduct market searches to identify manufacturers of biobased products within product categories. USDA will then contact the identified manufacturers to solicit samples of their products for voluntary submission for biobased content testing. Based on these results, USDA will then propose new product categories for designation for preferred procurement.

USDA has developed a preliminary list of product categories for future designation and has posted this preliminary list on the BioPreferred Web site. While this list presents an initial prioritization of product categories for designation, USDA cannot identify with certainty which product categories will be presented in each of the future rulemakings. In response to comments from other Federal agencies, USDA intends to give increased priority to those product categories that contain the highest biobased content. In addition, as the program matures, manufacturers of biobased products within some industry segments have become more responsive to USDA's requests for technical information than those in other segments. Thus, product categories with high biobased content and for which sufficient technical information can be obtained quickly may be added or moved up on the prioritization list.

III. Discussion of Public Comments

Summary of Changes

USDA solicited comments on the proposed rule for 60 days ending on February 4, 2013. USDA received four comments by that date. Two of the comments were from manufacturers of biobased products, one was from another Federal agency, and the fourth was from a trade association. The comments are presented below, along with USDA's responses, and are shown under the product categories to which they apply.

USDA received comments on wheel bearing and chassis greases, crankcase oils, gasoline fuel additives, and microbial cleaning products. After consideration of the comments, USDA has decided to: (1) Delay the designation of the wheel bearing and chassis greases subcategory; (2) revise the minimum biobased content of the engine crankcase oil product category upward to 25 percent from the proposed level of 18 percent; and (3) add clarification to the definition of the water turbine bearing oils product category. Additional information on these changes is presented below in the discussion of public comments.

Public Comments

General Process Comments

A trade association had a number of comments on how USDA administers the BioPreferred program. This same trade association had also made earlier similar comments July 2, 2012 in response to the proposed amendments to the revised Program Guidelines. The final guidelines have not yet been published. Although we will discuss these process comments herein, USDA will address the comments at a later date in revisions to the Program Guidelines, to which they are directly applicable.

Comment: The trade association focused their comments on ''the environmental elements of the BioPreferred program'' and stated products ''should be designated and preferred based upon their improved health profile, which could include manufacturing improvements, environmental and/or health benefits, and disposal mechanisms.'' The association further commented that biobased content, ''While a key factor, is only one of many potential environmental considerations.''

Response: Although the BioPreferred program is often associated with environmental programs and biobased products generally offer environmental benefits, USDA is charged with considering products that contain biobased carbon which Federal agencies are required to buy. The program's rationale is to use the purchasing power of the Federal government to pull the market for biobased products that are made from agricultural commodities. USDA does not have the legislative mandate to consider all environmental factors in designating a product category.

Comment: The trade association is critical of sample sizes and calls for ''more robust'' sample sizes.

Response: This is a voluntary program and USDA cannot collect any more information than companies are willing to provide. Moreover, by law USDA cannot ask biobased companies to supply any more information than non-biobased competitors. It is up to Federal procurement officials to solicit additional information from biobased companies to help in the procurement decision-making process.

Comment: The trade association calls for USDA to provide more information on ''exclusions'' (i.e., price, performance and availability).

Response: As indicated above, USDA cannot mandate that private companies provide such data. USDA believes consideration of exclusionary factors is a matter to be discussed on a case-by-case basis between buyer and seller.

Comment: The commenter stated that confidential business information (CBI) should not be posted on the BioPreferred Web site.

Response: USDA agrees and does not post CBI.

Engine Crankcase Oil

Comment: One commenter felt USDA was ''accommodating to the less-renewable end of the range'' with an ''orphan data point'' at 21 percent.

Response: USDA appreciates the comment. The commenter notes correctly that 21 percent was on the lower end of the range and does appear to be an outlier. In addition to this public comment, USDA has received information from a major marketer of engine crankcase oils stating that they have a line of products with biobased contents between 25 and 30 percent. In light of this new information, we are revising the minimum content to 25 percent.

We believe that this revision accomplishes several objectives. First, the minimum will not be based on a single product that appears to be somewhat of an outlier relative to the remainder of the data. Second, it is consistent with our stated plans to update minimum biobased contents with the most recent data whenever the opportunity arises. The original data point upon which the proposed 18% minimum biobased content was based is over 2 years old, while the newer information was obtained within the past 6 months. Third, USDA believes that establishing the minimum biobased content at a level that is achieved by a major marketer of engine oils provides more flexibility to purchasing agencies and more public visibility for the BioPreferred program.

Gasoline Fuel Additives

Comment: One commenter asked that USDA lower the biobased content from 92 percent to 70 percent.

Response: USDA is charged with administrating a program where Federal buyers are charged with procuring products with the highest biobased content possible that will still deliver performance. In the absence of any technical data to the contrary, we have decided to keep the content level at the

proposed level of 92 percent. However, if data can be identified to confirm the content level of 92 percent is not technically effective or necessary, USDA will revisit that content specification in later rulemaking.

Microbial Cleaning Products

Comment: One commenter stated the ''NAVSEA 6840–U.S. Navy surface ship (non-submarine) authorized chemical cleaning products and dispensing systems)'' should not be cited as a test method, but simply as a listing of approved products. The commenter further stated it should not necessarily be listed as a general reference because the products listed here are covered by the general exemption of combat related missions.

Response: USDA agrees with the suggestion of the Federal commenter.

Water Turbine Bearing Oils

Comment: One commenter noted water turbine bearing oils defined as ''lubricants that are specially formulated for use in bearings found in water turbines'' which is different from an earlier designation, ''turbine drip oils'' which are introduced when oils are introduced down the shaft of producing water wells that lubricate the bearings of submerged pump components.

Response: USDA appreciates the clarification and has revised the definition in the final rule to indicate these latter turbine drip oils are used to lubricate bearings of electric power generating water turbines.

Wheel Bearing and Chassis Grease

Comment: One commenter stated that ''the wheel bearing and chassis grease which cannot be reached with a biobased content of 50 percent'' and pointed out that there is a problem meeting the GC ASTM–D–4950 part of the specification because of the high temperature process used to make lithium complex grease. Another commenter asked that USDA not list chassis grease, as there is ''incompatibility'' between existing petroleum-based greases and biobased greases.

Response: USDA believes the ASTM issue is a complex one and requires additional technical data. Thus, USDA will not list the subcategory of wheel bearing and chassis grease at this time but will investigate and defer designation to a later round. As regards the incompatibility issue, USDA does not believe potential incompatibility represents a reason not to designate a biobased category or subcategory. If a particular product will not function properly in a certain application, that product obviously will not meet performance requirements and thus need not be shown the procurement preference.

IV. Regulatory Information

A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review

Executive Order 12866, as supplemented by Executive Order 13563, requires agencies to determine whether a regulatory action is ''significant.'' The Order defines a ''significant regulatory action'' as one that is likely to result in a rule that may: ''(1) Have an annual effect on the economy of $100 million or more or adversely affect, in a material way, the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities; (2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; (3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive Order.''

Today's final rule has been determined by the Office of Management and Budget to be not significant for purposes of Executive Order 12866. We are not able to quantify the annual economic effect associated with today's final rule. As discussed in the preamble to the proposed rulemaking, USDA made extensive efforts to obtain information on the Federal agencies' usage within the eight designated product categories, including their subcategories. These efforts were largely unsuccessful. Therefore, attempts to determine the economic impacts of today's final rule would require estimation of the anticipated market penetration of biobased products based upon many assumptions. In addition, because agencies have the option of not purchasing biobased products within designated product categories if price is ''unreasonable,'' the product is not readily available, or the product does not demonstrate necessary performance characteristics, certain assumptions may not be valid. While facing these quantitative challenges, USDA relied upon a qualitative assessment to determine the impacts of today's final rule. Consideration was also given to the fact that agencies may choose not to procure designated items due to unreasonable price.

1. Summary of Impacts

Today's final rule is expected to have both positive and negative impacts on individual businesses, including small businesses. USDA anticipates that the biobased preferred procurement program will provide additional opportunities for businesses and manufacturers to begin supplying products under the designated biobased product categories to Federal agencies and their contractors. However, other businesses and manufacturers that supply only non-qualifying products and do not offer biobased alternatives may experience a decrease in demand from Federal agencies and their contractors. USDA is unable to determine the number of businesses, including small businesses that may be adversely affected by today's final rule. The final rule, however, will not affect existing purchase orders, nor will it preclude businesses from modifying their product lines to meet new requirements for designated biobased products. Because the extent to which procuring agencies will find the performance, availability and/or price of biobased products acceptable is unknown, it is impossible to quantify the actual economic effect of the rule.

2. Benefits of the Final Rule

The designation of these eight product categories provides the benefits outlined in the objectives of section 9002; to increase domestic demand for many agricultural commodities that can serve as feed stocks for production of biobased products, and to spur development of the industrial base through value-added agricultural processing and manufacturing in rural communities. On a national and regional level, today's final rule can result in expanding and strengthening markets for biobased materials used in these product categories.

3. Costs of the Final Rule

Like the benefits, the costs of today's final rule have not been quantified. Two types of costs are involved: Costs to producers of products that will compete with the preferred products and costs to Federal agencies to provide procurement preference for the preferred products. Producers of competing products may face a decrease in demand for their products to the extent Federal agencies refrain from purchasing their products. However, it is not known to what extent this may occur. Pre-award procurement costs for Federal agencies may rise minimally as

the contracting officials conduct market research to evaluate the performance, availability and price reasonableness of preferred products before making a purchase.

B. Regulatory Flexibility Act (RFA)

The RFA, 5 U.S.C. 601–602, generally requires an agency to prepare a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements under the Administrative Procedure Act or any other statute unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small organizations, and small governmental jurisdictions.

USDA evaluated the potential impacts of its designation of these product categories to determine whether its actions would have a significant impact on a substantial number of small entities. Because the preferred procurement program established under section 9002 applies only to Federal agencies and their contractors, small governmental (city, county, etc.) agencies are not affected. Thus, the final rule will not have a significant economic impact on small governmental jurisdictions.

USDA anticipates that this program will affect entities, both large and small, that manufacture or sell biobased products. For example, the designation of product categories for preferred procurement will provide additional opportunities for businesses to manufacture and sell biobased products to Federal agencies and their contractors. Similar opportunities will be provided for entities that supply biobased materials to manufacturers.

The intent of section 9002 is largely to stimulate the production of new biobased products and to energize emerging markets for those products. Because the program is still in its infancy, however, it is unknown how many businesses will ultimately be affected. While USDA has no data on the number of small businesses that may choose to develop and market biobased products within the product categories designated by this rulemaking, the number is expected to be small. Because biobased products represent a small emerging market, only a small percentage of all manufacturers, large or small, are expected to develop and market biobased products. Thus, the number of small businesses manufacturing biobased products affected by this rulemaking is not expected to be substantial.

The Federal preferred procurement program may decrease opportunities for businesses that manufacture or sell non-biobased products or provide components for the manufacturing of such products. Most manufacturers of non-biobased products within the product categories being proposed for designation for Federal preferred procurement in this rule are expected to be included under the following NAICS codes: 321999 (all other wood product manufacturing), 324191 (petroleum lubricating oil and grease manufacturing), 325510 (paint and coating manufacturing), and 325612 (polish and other sanitation goods manufacturing). USDA obtained information on these four NAICS categories from the U.S. Census Bureau's Economic Census database. USDA found that the Economic Census reports about 4,270 companies within these 4 NAICS categories and that these companies own a total of about 4,860 establishments. Thus, the average number of establishments per company is about 1.14. The Census data also reported that of the 4,860 individual establishments, about 4,850 (99 percent) have fewer than 500 employees. USDA also found that the overall average number of employees per company among these industries is about 30 and that the petroleum lubricating oil and grease industry has the highest average number of employees per company with an average of almost 50. Thus, nearly all of the businesses fall within the Small Business Administration's definition of a small business (less than 500 employees, in most NAICS categories).

USDA does not have data on the potential adverse impacts on manufacturers of non-biobased products within the product categories being designated, but believes that the impact will not be significant. Most of the product categories being designated in this rulemaking are typical consumer products widely used by the general public and by industrial/commercial establishments that are not subject to this rulemaking. Thus, USDA believes that the number of small businesses manufacturing non-biobased products within the product categories being designated and selling significant quantities of those products to government agencies affected by this rulemaking will be relatively low. Also, this final rule will not affect existing purchase orders and it will not preclude procuring agencies from continuing to purchase non-biobased products when biobased products do not meet the availability, performance, or reasonable price criteria. This final rule will also not preclude businesses from modifying their product lines to meet new specifications or solicitation requirements for these products containing biobased materials.

After considering the economic impacts of this final rule on small entities, USDA certifies that this action will not have a significant economic impact on a substantial number of small entities.

While not a factor relevant to determining whether the final rule will have a significant impact for RFA purposes, USDA has concluded that the effect of the rule will be to provide positive opportunities to businesses engaged in the manufacture of these biobased products. Purchase and use of these biobased products by procuring agencies will increase demand for these products and result in private sector development of new technologies, creating business and employment opportunities that enhance local, regional, and national economies.

C. Executive Order 12630: Governmental Actions and Interference With Constitutionally Protected Property Rights

This final rule has been reviewed in accordance with Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights, and does not contain policies that would have implications for these rights.

D. Executive Order 12988: Civil Justice Reform

This final rule has been reviewed in accordance with Executive Order 12988, Civil Justice Reform. This rule does not preempt State or local laws, is not intended to have retroactive effect, and does not involve administrative appeals.

E. Executive Order 13132: Federalism

This final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment. Provisions of this final rule will not have a substantial direct effect on States or their political subdivisions or on the distribution of power and responsibilities among the various government levels.

F. Unfunded Mandates Reform Act of 1995

This final rule contains no Federal mandates under the regulatory provisions of Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), 2 U.S.C. 1531–1538, for State, local, and tribal governments, or the private sector. Therefore, a statement under section 202 of UMRA is not required.

G. Executive Order 12372: Intergovernmental Review of Federal Programs

For the reasons set forth in the Final Rule Related Notice for 7 CFR part 3015, subpart V (48 FR 29115, June 24, 1983), this program is excluded from the scope of Executive Order 12372, which requires intergovernmental consultation with State and local officials. This program does not directly affect State and local governments.

H. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

Today's final rule does not significantly or uniquely affect ''one or more Indian tribes . . . the relationship between the Federal Government and Indian tribes, or . . . the distribution of power and responsibilities between the Federal Government and Indian tribes.'' Thus, no further action is required under Executive Order 13175.

I. Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 through 3520), the information collection under this final rule is currently approved under OMB control number 0503–0011.

J. E-Government Act Compliance

USDA is committed to compliance with the E-Government Act, which requires Government agencies, in general, to provide the public the option of submitting information or transacting business electronically to the maximum extent possible. USDA is implementing an electronic information system for posting information voluntarily submitted by manufacturers or vendors on the products they intend to offer for preferred procurement under each designated product category. For information pertinent to E-Government Act compliance related to this rule, please contact Ron Buckhalt at (202) 205–4008.

K. Congressional Review Act

The Congressional Review Act, 5 U.S.C. 801 *et seq.,* as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, that includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. USDA has submitted a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**.

List of Subjects in 7 CFR Part 3201

Biobased products, Procurement.

For the reasons stated in the preamble, the Department of Agriculture is amending 7 CFR chapter XXXII as follows:

PART 3201—GUIDELINES FOR DESIGNATING BIOBASED PRODUCTS FOR FEDERAL PROCUREMENT

■ 1. The authority citation for part 3201 continues to read as follows:

Authority: 7 U.S.C. 8102.

■ 2. Amend § 3201.19 by adding new paragraphs (a)(6) and (b)(6) and revising paragraph (c) to read as follows:

§ 3201.19 Composite panels.

(a) * * *

(6) *Countertops.* Engineered products designed to serve as horizontal work surfaces in locations such as kitchens, break rooms or other food preparation areas, bathrooms or lavatories, and workrooms.

(b) * * *

(6) Countertops—89 percent.

(c) *Preference compliance dates.* (1) No later than May 14, 2009, procuring agencies, in accordance with this part, will give a procurement preference for those qualifying biobased composite panels specified in paragraphs (a)(1) through (a)(5) of this section. By that date, Federal agencies that have the responsibility for drafting or reviewing specifications for items to be procured shall ensure that the relevant specifications require the use of biobased composite panels.

(2) No later than June 11, 2014, procuring agencies, in accordance with this part, will give a procurement preference for those qualifying biobased composite panels specified in paragraph (a)(6) of this section. By that date, Federal agencies that have the responsibility for drafting or reviewing specifications for items to be procured shall ensure that the relevant specifications require the use of biobased composite panels.

* * * * *

■ 3. Add §§ 3201.100 through 3201.107 to subpart B to read as follows:

Sec.

§ 3201.100 Aircraft and boat cleaners.

(a) *Definition.* (1) Aircraft and boat cleaners are products designed to remove built-on grease, oil, dirt, pollution, insect reside, or impact soils on both interior and exterior of aircraft and/or boats.

(2) Aircraft and boat cleaners for which Federal preferred procurement applies are:

(i) *Aircraft cleaners.* Cleaning products designed to remove built-on grease, oil, dirt, pollution, insect reside, or impact soils on both interior and exterior of aircraft.

(ii) *Boat cleaners.* Cleaning products designed to remove built-on grease, oil, dirt, pollution, insect reside, or impact soils on both interior and exterior of boats.

(b) *Minimum biobased content.* The minimum biobased content for all aircraft and boat cleaners shall be based on the amount of qualifying biobased carbon in the product as a percent of the weight (mass) of the total organic carbon in the finished product. The applicable minimum biobased contents for the Federal preferred procurement products are:

(1) *Aircraft cleaners*—48 percent.

(2) *Boat cleaners*—38 percent.

(c) *Preference compliance date.* No later than June 11, 2014, procuring agencies, in accordance with this part, will give a procurement preference for qualifying biobased aircraft and boat cleaners. By that date, Federal agencies that have the responsibility for drafting or reviewing specifications for products to be procured shall ensure that the relevant specifications require the use of biobased aircraft and boat cleaners.

§ 3201.101 Automotive care products.

(a) *Definition.* Products such as waxes, buffing compounds, polishes, degreasers, soaps, wheel and tire cleaners, leather care products, interior cleaners, and fragrances that are formulated for cleaning and protecting automotive surfaces.

(b) *Minimum biobased content.* The Federal preferred procurement product must have a minimum biobased content of at least 75 percent, which shall be based on the amount of qualifying biobased carbon in the product as a percent of the weight (mass) of the total organic carbon in the finished product.

(c) *Preference compliance date.* No later than June 11, 2014, procuring agencies, in accordance with this part, will give a procurement preference for qualifying biobased automotive care products. By that date, Federal agencies that have the responsibility for drafting or reviewing specifications for products to be procured shall ensure that the

relevant specifications require the use of biobased automotive care products.

§ 3201.102 Engine crankcase oils.

(a) *Definition.* Lubricating products formulated to provide lubrication and wear protection for four-cycle gasoline or diesel engines.

(b) *Minimum biobased content.* The Federal preferred procurement product must have a minimum biobased content of at least 25 percent, which shall be based on the amount of qualifying biobased carbon in the product as a percent of the weight (mass) of the total organic carbon in the finished product.

(c) *Preference compliance date.* No later than June 11, 2014, procuring agencies, in accordance with this part, will give a procurement preference for qualifying biobased engine crankcase oils. By that date, Federal agencies that have the responsibility for drafting or reviewing specifications for products to be procured shall ensure that the relevant specifications require the use of biobased engine crankcase oils.

(d) *Determining overlap with an EPA-designated recovered content product.* Qualifying products within this item may overlap with the EPA-designated recovered content product: Re-refined lubricating oils. USDA is requesting that manufacturers of these qualifying biobased products provide information on the USDA Web site of qualifying biobased products about the intended uses of the product, information on whether or not the product contains any recovered material, in addition to biobased ingredients, and performance standards against which the product has been tested. This information will assist Federal agencies in determining whether or not a qualifying biobased product overlaps with EPA-designated re-refined lubricating oil products and which product should be afforded the preference in purchasing.

Note to paragraph (d): Engine crankcase oils within this designated product category can compete with similar re-refined lubricating oil products with recycled content. Under the Resource Conservation and Recovery Act of 1976, section 6002, the U.S. Environmental Protection Agency designated re-refined lubricating oil products containing recovered materials as products for which Federal agencies must give preference in their purchasing programs. The designation can be found in the Comprehensive Procurement Guideline, 40 CFR 247.17.

§ 3201.103 Gasoline fuel additives.

(a) *Definition.* Chemical agents added to gasoline to increase octane levels, improve lubricity, and provide engine cleaning properties to gasoline-fired engines.

(b) *Minimum biobased content.* The Federal preferred procurement product must have a minimum biobased content of at least 92 percent, which shall be based on the amount of qualifying biobased carbon in the product as a percent of the weight (mass) of the total organic carbon in the finished product.

(c) *Preference compliance date.* No later than June 11, 2014, procuring agencies, in accordance with this part, will give a procurement preference for qualifying biobased gasoline fuel additives. By that date, Federal agencies that have the responsibility for drafting or reviewing specifications for products to be procured shall ensure that the relevant specifications require the use of biobased gasoline fuel additives.

§ 3201.104 Metal cleaners and corrosion removers.

(a) *Definition.* (1) Products that are designed to clean and remove grease, oil, dirt, stains, soils, and rust from metal surfaces.

(2) Metal cleaners and corrosion removers for which Federal preferred procurement applies are:

(i) *Corrosion removers.* Products that are designed to remove rust from metal surfaces through chemical action.

(ii) *Stainless steel cleaners.* Products that are designed to clean and remove grease, oil, dirt, stains, and soils from stainless steel surfaces.

(iii) *Other metal cleaners.* Products that are designed to clean and remove grease, oil, dirt, stains, and soils from metal surfaces other than stainless steel.

(b) *Minimum biobased content.* The minimum biobased content for all metal cleaners and corrosion removers shall be based on the amount of qualifying biobased carbon in the product as a percent of the weight (mass) of the total organic carbon in the finished product. The applicable minimum biobased contents for the Federal preferred procurement products are:

(1) *Corrosion removers*—71 percent.

(2) *Stainless steel cleaners*—75 percent.

(3) *Other metal cleaners*—56 percent.

(c) *Preference compliance date.* No later than June 11, 2014, procuring agencies, in accordance with this part, will give a procurement preference for qualifying biobased metal cleaners and corrosion removers. By that date, Federal agencies that have the responsibility for drafting or reviewing specifications for products to be procured shall ensure that the relevant specifications require the use of biobased metal cleaners and corrosion removers.

§ 3201.105 Microbial cleaning products.

(a) *Definition.* (1) Cleaning agents that use microscopic organisms to treat or eliminate waste materials within drains, plumbing fixtures, sewage systems, wastewater treatment systems, or on a variety of other surfaces. These products typically include organisms that digest protein, starch, fat, and cellulose.

(2) Microbial cleaning products for which Federal preferred procurement applies are:

(i) *Drain maintenance products.* Products containing microbial agents that are intended for use in plumbing systems such as sinks, showers, and tubs.

(ii) *Wastewater maintenance products.* Products containing microbial agents that are intended for use in wastewater systems such as sewer lines and septic tanks.

(iii) *General cleaners.* Products containing microbial agents that are intended for multi-purpose cleaning in locations such as residential and commercial kitchens and bathrooms.

(b) *Minimum biobased content.* The minimum biobased content for all microbial cleaning products shall be based on the amount of qualifying biobased carbon in the product as a percent of the weight (mass) of the total organic carbon in the finished product. The applicable minimum biobased contents for the Federal preferred procurement products are:

(1) *Drain maintenance products*—45 percent.

(2) *Wastewater maintenance products*—44 percent.

(3) *General cleaners*—50 percent.

(c) *Preference compliance date.* No later than June 11, 2014, procuring agencies, in accordance with this part, will give a procurement preference for qualifying biobased microbial cleaning products. By that date, Federal agencies that have the responsibility for drafting or reviewing specifications for products to be procured shall ensure that the relevant specifications require the use of biobased microbial cleaning products.

§ 3201.106 Paint removers.

(a) *Definition.* Products formulated to loosen and remove paint from painted surfaces.

(b) *Minimum biobased content.* The Federal preferred procurement product must have a minimum biobased content of at least 41 percent, which shall be based on the amount of qualifying biobased carbon in the product as a percent of the weight (mass) of the total organic carbon in the finished product.

(c) *Preference compliance date.* No later than June 11, 2014, procuring agencies, in accordance with this part,

will give a procurement preference for qualifying biobased paint removers. By that date, Federal agencies that have the responsibility for drafting or reviewing specifications for products to be procured shall ensure that the relevant specifications require the use of biobased paint removers.

§ 3201.107 Water turbine bearing oils.

(a) *Definition.* Lubricants that are specifically formulated for use in the bearings found in water turbines for electric power generation. Previously designated turbine drip oils are used to lubricate bearings of shaft driven water well turbine pumps.

(b) *Minimum biobased content.* The Federal preferred procurement product must have a minimum biobased content of at least 46 percent, which shall be based on the amount of qualifying biobased carbon in the product as a percent of the weight (mass) of the total organic carbon in the finished product.

(c) *Preference compliance date.* No later than June 11, 2014, procuring agencies, in accordance with this part, will give a procurement preference for qualifying biobased water turbine bearing oils. By that date, Federal agencies that have the responsibility for drafting or reviewing specifications for products to be procured shall ensure that the relevant specifications require the use of biobased water turbine bearing oils.

Dated: June 5, 2013.

Gregory L. Parham,

Acting Assistant Secretary for Administration, U.S. Department of Agriculture.

[FR Doc. 2013–13763 Filed 6–10–13; 8:45 am]

BILLING CODE 3410–TX–P

FEDERAL RESERVE SYSTEM

12 CFR Part 261

Rules Regarding Availability of Information

CFR Correction

■ In Title 12 of the Code of Federal Regulations, Parts 230 to 299, revised as of January 1, 2013, on page 258, in § 261.2(c)(1)(ii), paragraphs (A) and (B) are reinstated to read as follows:

§ 261.2 Definitions.

* * * * *

(c)(1) * * *

* * * * *

(ii) * * *

(A) Such final orders, amendments, or modifications of final orders, or other actions or documents that are specifically required to be published or made available to the public pursuant to 12 U.S.C. 1818(u), or other applicable law, including the record of litigated proceedings; and (B) The public section of Community Reinvestment Act examination reports, pursuant to 12 U.S.C. 2906(b); and

* * * * *

[FR Doc. 2013–13917 Filed 6–10–13; 8:45 am]

BILLING CODE 1505–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 40, 49, and 602

[TD 9621]

RIN 1545–BJ40

Indoor Tanning Services; Excise Taxes

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Final regulations and removal of temporary regulations.

SUMMARY: This document contains final regulations on the indoor tanning services excise tax imposed by the Patient Protection and Affordable Care Act. These final regulations affect persons that use, provide, or pay for indoor tanning services.

DATES: *Effective Date:* These regulations are effective on June 11, 2013.

Applicability Dates: For dates of applicability, see §§ 40.0–1(d), 40.6302(c)–1(f), and 49.5000B–1(h).

FOR FURTHER INFORMATION CONTACT: Michael H. Beker or Natalie A. Payne, at (202) 622–3130 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act

The collection of information contained in these final regulations has been reviewed and approved by the Office of Management and Budget under control number 1545–2177. The collection of information in these final regulations is in § 49.5000B–1. The information is required to be maintained by the provider of indoor tanning services to accurately calculate the tax on indoor tanning services when those services are offered with other goods and services.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid control number.

Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Background

This document amends the Excise Tax Procedural Regulations (26 CFR part 40) and the Facilities and Services Excise Tax Regulations (26 CFR part 49) under section 5000B of the Internal Revenue Code (Code). Section 5000B was added to the Code by section 10907 of the Patient Protection and Affordable Care Act, Public Law 111–148 (124 Stat. 119 (2010)), to impose an excise tax on indoor tanning services. On June 15, 2010, temporary regulations relating to this topic and a notice of proposed rulemaking cross-referencing the temporary regulations were published in the **Federal Register** (TD 9486, 75 FR 33683; REG–112841–10, 75 FR 33740) (2010 regulations). Written and electronic comments were received and a public hearing was held on October 11, 2011. All comments were considered and are available for public inspection at *http://www.regulations.gov*. After considering the written comments and comments made at the public hearing, the proposed regulations are adopted as final regulations by this Treasury decision and the corresponding temporary regulations are removed.

Public comments on the 2010 regulations identified two issues that the IRS and the Treasury Department will study further and on which the IRS and the Treasury Department request additional comments. Those issues, the treatment of bundled services and undesignated payment cards, are discussed later in this preamble. Comments on those issues should be submitted in writing by October 9, 2013 and can be mailed to the Office of Associate Chief Counsel (Passthroughs and Special Industries), Re: REG–112841–10, CC:PSI:B7, Room 5314, 1111 Constitution Avenue NW., Washington, DC 20224. All comments received will be available for public inspection at *http://www.regulations.gov* (IRS REG–112841–10).

Summary of Comments

Qualified Physical Fitness Facilities. Commenters questioned the exception for Qualified Physical Fitness Facilities (QPFFs) in the 2010 regulations.

The 2010 regulations exempt from the tax any membership fee paid to a QPFF that includes access to indoor tanning services. In a QPFF, taking into consideration all of the facts and

circumstances, the predominant business or activity of the facility is to serve as a physical fitness facility. The 2010 regulations limit the definition of a QPFF to a business that does not charge separately for indoor tanning services, offer such services to the general public, or offer different membership fee rates based on access to indoor tanning services.

Commenters stated that an exception for QPFFs does not appear in section 5000B and suggested that there is no compelling reason to differentiate these facilities from other indoor tanning service facilities. Commenters argued that while other providers of bundled services must use a complicated method of determining the amount attributable to indoor tanning services (as described in § 49.5000B–1T(d)(3) of the 2010 regulations), QPFFs are exempt from the tax even though they provide the same indoor tanning services. Thus, these commenters suggested, the exception for QPFFs creates an unfair competitive advantage for some providers of indoor tanning services over others, and should not be included in the final regulations.

The final regulations do not adopt this suggestion. Access to indoor tanning services is incidental to a QPFF's predominant business or activity. Customers of a QPFF typically pay a monthly fee in exchange for access to all equipment in the QPFF, including any indoor tanning equipment. Requiring a QPFF to allocate its customers' monthly membership fees among tanning and non-tanning services under such an arrangement would be burdensome and difficult to administer. In contrast, non-QPFF providers of bundled goods and services typically offer indoor tanning services to customers as part of the purchase of a package of specific goods or services. This generally allows the provider to determine the portion of the purchase price that relates to the use of indoor tanning services by the customer and allocate the appropriate portion of the purchase price to those services.

Free indoor tanning services; bonus points. Commenters requested guidance on the application of the tax to free indoor tanning services and indoor tanning services that are sold at reduced rates.

The final regulations provide that the section 5000B tax only applies if an amount is paid for indoor tanning services. If services are provided at a reduced rate, the tax applies to the amount actually paid for the services. See Rev. Rul. 84–12 (1984–1 CB 211) and the rulings cited therein. Also consistent with Rev. Rul. 84–12, the final regulations do not apply the tax to indoor tanning services that are obtained by redemption of ''bonus points'' through a loyalty program or similar program. In the case of promotions that entitle a customer to a ''free'' tan with the purchase of a certain number of tans, the amount paid for the purchased tans reflects a reduced price for all of the tans rather than a package of tans at full price coupled with a ''free'' purchased tan. Thus, the tax is imposed on the purchase of the package of tans rather than on the redemption of the additional tan.

Bundled goods and services. If a provider (other than a QPFF) sells bundled services in which access to indoor tanning services (in a specified or unlimited amount) over a period of time is bundled with other goods and services, the 2010 regulations set out a formula to determine the amount reasonably attributable to indoor tanning services.

Commenters noted that there are no commercially available point-of-sale software programs that automatically calculate the tax on the sale of indoor tanning services that are bundled with other goods and services. Thus, providers must manually calculate the tax on these types of sales, a process that the commenters said is time consuming, expensive, and prone to error.

The final regulations do not change the rules for bundled goods and services. The statute imposes the tax on indoor tanning services; if those services are bundled with other goods and services, the provider must determine the amount of the payment for the bundled goods and services that is reasonably attributable to indoor tanning services. The 2010 regulations set forth a reasonable method for making this determination, which is retained with minor clarifications in the final regulations. However, the final regulations also authorize the Treasury Department and the IRS to issue future guidance to provide additional options for making this determination. The Treasury Department and the IRS request comments on other reasonable methods for determining the amount of a payment for bundled goods and services that is reasonably attributable to indoor tanning services.

Undesignated payment cards. The 2010 regulations define an *undesignated payment card* as a gift certificate, gift card, or similar item that can be redeemed for goods or services that may, but do not necessarily, include indoor tanning services. Under the 2010 regulations, the tax is not imposed on the purchase of these cards; rather, the tax is imposed only when the card is redeemed specifically to pay for indoor tanning service.

Commenters noted that, in practice, a provider can collect the tax only when the card is bought and not when the card is redeemed for indoor tanning service. Thus, the commenters suggested that the tax be imposed on the purchase of an undesignated payment card. Providers could either estimate how much of the card will be used for indoor tanning service in the future or collect tax on the entire purchase price.

The final regulations do not adopt this suggestion. However, the Treasury Department and the IRS welcome comments on this issue. The final regulations authorize the Treasury Department and the IRS to issue future guidance to provide additional options for administering the tax with respect to undesignated payment cards.

Form 720. The temporary regulations require the tax to be reported and paid quarterly on Form 720, ''Quarterly Federal Excise Tax Return.'' Commenters suggested that Form 720 is too complex or burdensome for the average provider to complete and file. These commenters request that the IRS issue a special tax return form specifically and exclusively for reporting the section 5000B tax.

The final regulations do not adopt this suggestion. Form 720 is the standard form used to report many excise taxes, including the other types of excise taxes collected from a customer upon the purchase of services, such as the taxes on communications services and transportation of persons and property by air. In addition, the Treasury Department and the IRS believe that creating a new form would add unnecessary complexity. For more information about reporting requirements, see § 40.6011(a)–1(a).

Additional Clarification of 2010 Regulations

Membership and enrollment fees. The final regulations clarify that the tax is imposed on amounts paid for prepaid monthly membership and enrollment fees to a provider of indoor tanning services, other than a QPFF, even if a member does not use any indoor tanning services during the period to which the fee relates.

Some providers offer monthly membership programs through which customers receive a number of tanning sessions at a lower cost than would be charged for each session individually. Some of these providers charge customers an enrollment fee when the customers join a membership program. Typically, the customer pays the

enrollment fee before paying the first monthly membership charge.

Some providers also impose fees on their customers to allow the customer to skip one or more months of membership dues without being charged an enrollment fee when the customer restarts the monthly membership. Amounts paid to a provider that temporarily suspend a periodic membership program are amounts paid for indoor tanning services. Because payment of these fees allows the customer to receive indoor tanning services at reduced prices, the final regulations clarify that these fees are subject to the section 5000B tax as amounts paid for indoor tanning services.

Availability of IRS Documents

The IRS revenue ruling cited in this preamble is published in the Internal Revenue Cumulative Bulletin and is available from the Superintendent of Documents, P.O. Box 371954, Pittsburgh PA, 15250–7954.

Special Analyses

It has been determined that this Treasury decision is not a significant regulatory action as defined in Executive Order 12866, as supplemented by Executive Order 13563. Therefore, a regulatory assessment is not required. It also has been determined that section 553(b) of the Administrative Procedure Act (5 U.S.C. chapter 5) does not apply to these regulations. It is hereby certified that these regulations will not have a significant economic impact on a substantial number of small entities. This certification is based on the fact that these regulations are designed to accommodate the recordkeeping methods currently used by small entities that provide indoor tanning services. The regulations merely implement the tax imposed by section 5000B of the Code, and section 6001 of the Code already requires taxpayers to keep books and records sufficient to show whether or not they are liable for tax. The information necessary to prepare these records is readily available to providers, and this recordkeeping will take little additional time to complete. Accordingly, a Regulatory Flexibility Analysis under the Regulatory Flexibility Act (5 U.S.C. chapter 6) is not required. Pursuant to section 7805(f) of the Code, the notice of proposed rulemaking that preceded these regulations was submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on its impact on small business, and no comments were received.

Drafting Information

The principal author of these regulations is Michael H. Beker, Office of the Associate Chief Counsel (Passthroughs and Special Industries). However, other personnel from the IRS and the Treasury Department participated in their development.

List of Subjects

26 CFR Part 40

Excise taxes, Reporting and recordkeeping requirements.

26 CFR Part 49

Excise taxes, Reporting and recordkeeping requirements, Telephone, Transportation.

26 CFR Part 602

Reporting and recordkeeping requirements.

Adoption of Amendments to the Regulations

Accordingly, 26 CFR parts 40, 49, and 602 are amended as follows:

PART 40—EXCISE TAX PROCEDURAL REGULATIONS

■ **Paragraph 1.** The authority citation for part 40 continues to read in part as follows:

Authority: 26 U.S.C. 7805. * * *

■ **Par. 2.** Section 40.0–1 is amended as follows:

■ 1. Paragraph (a), second sentence, is amended by removing the language ''and 39'' and adding ''39, and 49'' in its place.

■ 2. Paragraph (a), third sentence, is amended by removing the language ''and chapter 39 to taxes imposed on registration-required obligations'' and adding ''chapter 39 to taxes imposed on registration-required obligations; and chapter 49 to taxes imposed on indoor tanning services'' in its place.

■ 3. Paragraph (d) is revised.

■ 4. Paragraphs (e) and (f) are removed.

The revision reads as follows:

§ 40.0–1 Introduction.

* * * * *

(d) *Effective/applicability date.* This part applies to returns that relate to periods beginning after March 31, 2013. For rules that apply before that date, see 26 CFR part 40 (revised as of April 1, 2013).

§ 40.0–1T [Removed]

■ **Par. 3.** Section 40.0–1T is removed.

■ **Par. 4.** Section 40.6302(c)–1 is amended as follows:

■ 1. Paragraph (a)(1) is amended by removing the language ''by statute, by § 40.6302(c)–1T(g),'' and adding ''by statute'' in its place.

■ 2. Paragraph (e)(1)(iii) is amended by removing the language ''chemicals); and'' and adding ''chemicals);'' in its place.

■ 3. Paragraph (e)(1)(iv) is amended by removing the language ''plans).'' and adding ''plans); and'' in its place.

■ 4. Paragraph (e)(1)(v) is added.

■ 5. Paragraph (f) is revised.

■ 6. Paragraph (g) is removed.

The addition and revision read as follows:

§ 40.6302(c)–1 Deposits.

* * * * *

(e) * * *

(1) * * *

(v) Section 5000B (relating to indoor tanning services).

* * * * *

(f) *Effective/applicability date.* This section applies to deposits and payments made after March 31, 2013. For rules that apply before that date, see 26 CFR part 40 (revised as of April 1, 2013).

§ 40.6302(c)–1T [Removed]

■ **Par. 5.** Section 40.6302(c)–1T is removed.

PART 49—FACILITIES AND SERVICES EXCISE TAX

■ **Par. 6.** The authority citation for part 49 continues to read in part as follows:

Authority: 26 U.S.C. 7805. * * *

■ **Par. 7.** Section 49.0–1 is revised to read as follows:

§ 49.0–1 Introduction.

The regulations in this part 49 are designated ''Facilities and Services Excise Tax Regulations.'' The regulations relate to the taxes on communications and transportation by air imposed by chapter 33 of the Internal Revenue Code and the taxes on indoor tanning services imposed by section 5000B. See part 40 of this chapter for regulations relating to returns, payments, and deposits of these taxes.

§ 49.0–3T [Removed]

■ **Par. 8.** Section 49.0–3T is removed.

■ **Par. 9.** Subpart G is revised to read as follows:

Subpart G—Indoor Tanning Services

§ 49.5000B–1 Indoor tanning services.

(a) *Overview.* This section provides rules for the tax imposed by section 5000B on any indoor tanning service.

(b) *Imposition of tax*—(1) *General rule.* Tax is imposed by section 5000B

at the time of payment for any indoor tanning service.

(2) *Undesignated payment cards—In general.* Payment for indoor tanning services is made when an undesignated payment card is redeemed, in whole or in part, to pay for indoor tanning services (and not when a payment is made to purchase the undesignated payment card).

(c) *Definitions*—(1) The term *indoor tanning service* means a service employing any electronic product designed to incorporate one or more ultraviolet lamps and intended for the irradiation of an individual by ultraviolet radiation, with wavelengths in air between 200 and 400 nanometers, to induce skin tanning. The term does not include phototherapy service performed by, and on the premises of, a licensed medical professional (such as a dermatologist, psychologist, or registered nurse).

(2) The term *other goods and services* includes, but is not limited to, protective eyewear, footwear, towels, and tanning lotions; manicures, pedicures, and other cosmetic or spa treatments; and access to sport or exercise facilities.

(3) The term *phototherapy service* means a service that exposes an individual to specific wavelengths of light for the treatment of—

(i) Dermatological conditions (such as acne, psoriasis, and eczema);

(ii) Sleep disorders;

(iii) Seasonal affective disorder or other psychiatric disorder;

(iv) Neonatal jaundice;

(v) Wound healing; or

(vi) Other medical condition determined by a licensed medical professional to be treatable by exposing the individual to specific wavelengths of light.

(4) The term *provider* means a person that provides an indoor tanning service as defined in paragraph (c)(1) of this section.

(5) The term *qualified physical fitness facility* means a facility—

(i) In which the predominant business or activity is providing equipment and services to its members for purposes of exercise and physical fitness (determined by taking into consideration all of the facts and circumstances, such as the cost of the equipment, variety of services offered, actual usage of services by customers, revenue generated by different services, and how the entity holds itself out to the public through advertising or other means);

(ii) In which providing indoor tanning services is not a substantial part of the business or activity; and

(iii) That does not sell indoor tanning services for a fee to the public or otherwise offer different pricing options to its members based in whole or in part on access to indoor tanning services.

(6) The term *undesignated payment card* means a gift certificate, gift card, or similar item that can be redeemed for goods or services that may, but do not necessarily, include indoor tanning services.

(d) *Application of tax*—(1) *Tax on total amount paid for indoor tanning services*—(i) *In general.* The tax is imposed on the total amount paid for indoor tanning services, including any amount paid by insurance. The total amount paid is presumed to include the tax if the tax is not separately stated.

(ii) *Free services and reduced rates.* The tax does not apply to indoor tanning services that are provided free of charge. Indoor tanning services are provided free of charge if no one pays anything of value to the provider of the service for the indoor tanning service. Thus, for example, tax is not imposed on the redemption of a promotional coupon for indoor tanning services if the coupon is provided at no cost and at no obligation to purchase anything. If indoor tanning services are provided at a reduced rate, the tax applies to the amount actually paid for the services.

(iii) *Bonus points.* The redemption of benefits such as ''bonus points'' under a loyalty program or similar program or promotion is not a payment for indoor tanning services. Thus, for example, in a promotion that entitles a customer to a ''free'' tan with the purchase of four tans, tax is not imposed on the redemption of the fifth tan because the amount paid for the four tans included a reduced price for the fifth tan.

(iv) *Other fees.* Fees for starting, joining, registering, enrolling, and similar fees paid to a provider to join a monthly (or other periodic) membership program that provides indoor tanning services are amounts paid for indoor tanning services. Similarly, amounts paid to a provider that temporarily suspend a periodic membership program are amounts paid for indoor tanning services.

(2) *Charges for other goods and services; tanning services separately stated.* If a payment covers charges for indoor tanning services as well as other goods and services, the charges for other goods and services may be excluded in computing the tax payable on the amount paid, if the charges—

(i) Are separable (regardless of the manner of invoicing the charges);

(ii) Do not exceed the fair market value of such other goods and services; and

(iii) Are shown in the exact amounts in the provider's records pertaining to the indoor tanning services charge.

(3) *Charges for other goods and services; tanning services bundled.* This paragraph (d)(3) applies if paragraph (d)(2) of this section does not apply. If a provider offers indoor tanning services (whether of a specified or unlimited amount, including ''free'' or reduced-rate indoor tanning services) bundled with other goods and services, the payment for the bundled services includes an amount paid for indoor tanning services. The tax applies to that portion of the amount paid to the provider that is reasonably attributable to indoor tanning services. The amount reasonably attributable to indoor tanning services may be determined by—

(i) Applying to the total amount paid a ratio determined by comparing—

(A) The provider's charge for indoor tanning services not in bundled services or, if the provider only charges for indoor tanning services as part of bundled services, the fair market value of similar indoor tanning services (based on the amount charged by comparable providers in the same geographic area); to

(B) The charge determined in paragraph (d)(3)(i)(A) of this section plus the provider's charge for the other goods and services in the bundled services or, if the provider only charges for other goods and services as part of bundled services, the fair market value of similar goods and services (based on the amount charged by comparable providers in the same geographic area); or

(ii) Any other method allowed in guidance published in the Internal Revenue Bulletin.

(4) *Exemption; qualified physical fitness facilities.* No portion of a payment to a qualified physical fitness facility (within the meaning of paragraph (c)(5) of this section) that includes access to indoor tanning services is treated as a payment for indoor tanning services.

(e) *Person liable for the tax*—(1) *General rule.* The person who pays for the indoor tanning service is deemed to be the person on whom the service is performed for purposes of collecting the tax. Thus, the person paying for the indoor tanning service is liable for the tax at the time of payment.

(2) *Undesignated payment cards*—(i) *In general.* In the case of a payment made with an undesignated payment card (as defined in paragraph (c)(6) of this section), the person who redeems the card, in whole or in part, to pay specifically for indoor tanning services

is the person who pays for the indoor tanning services. Thus, the person who redeems an undesignated payment card, in whole or in part, to pay specifically for indoor tanning services is liable for the tax at the time such payment is made (as described in paragraph (b)(2) of this section).

(ii) *Alternative treatment.* The Treasury Department and IRS may provide additional options for the treatment of undesignated payment cards in guidance published in the Internal Revenue Bulletin.

(3) *Tax not collected at time of payment.* If the person paying for the indoor tanning services does not pay the tax to the person receiving the payment for the services at the time of payment for the services, the person receiving the payment is liable for the tax.

(f) *Persons receiving payment must collect tax.* Every person receiving a payment for indoor tanning services on which a tax is imposed under this section must collect the amount of the tax from the person making that payment.

(g) *Examples.* The following examples illustrate the application of section 5000B and this section.

Example 1: Imposition of tax; general rule. (i) P is a nail salon that also provides indoor tanning service incidental to its primary business of providing nail salon services. P advertises a price of $15.00 (exclusive of the tax imposed by section 5000B) for one 10-minute indoor tanning service. During a period when the tax is 10 percent of the amount paid, P calculates the section 5000B tax on $15.00 as provided by paragraph (d)(1) of this section. Thus, the tax is $1.50 ($15.00 × 10%). The person paying for the service is liable for the tax when that person pays for the services. If P does not collect the tax from the person at the time of the payment for the services, P is liable for the tax.

(ii) The facts are the same as in paragraph (i) of this example except that P's advertised price of $15.00 includes the tanning tax. In this case, the tax is $1.36 ($15.00 × 10%/110%) under the second sentence of paragraph (d)(1) of this section.

Example 2: Charges for other goods and services; tanning services separately stated. P provides indoor tanning services and other goods and services. On July 1, 2013, A, an individual, pays P for one 10-minute indoor tanning service and one pair of protective eyewear. P charges $15.00 for the 10-minute indoor tanning service and $2.00 for a pair of protective eyewear. The $2.00 charge for the protective eyewear does not exceed its fair market value. The invoice from P is $17.00 (exclusive of the tax imposed by section 5000B) and separately states the cost of the protective eyewear. Because the cost of the protective eyewear is separately stated, P calculates the section 5000B tax on $15.00 as provided by paragraph (d)(2) of this section. A is liable for the tax when A pays for the services. If P does not collect the tax from A at the time A pays for the services, P is liable for the tax.

Example 3: Charges for other goods and services; tanning services bundled. P provides indoor tanning services and other goods and services and offers bundled services. On July 1, 2013, A, an individual, buys bundled service from P that includes 10 swimming lessons, the use of towels while on P's premises, one pair of protective eyewear, and 2 ''free'' 10-minute indoor tanning services. P charges $252.00 (exclusive of the tax imposed by section 5000B) for the bundled services. If these services are purchased separately, P charges (exclusive of the tax imposed by section 5000B) $25.00 per swimming lesson, $15.00 for a 10-minute indoor tanning service, $2.00 for the protective eyewear, and does not charge for the use of towels while on P's premises. As determined under paragraph (d)(3) of this section, the section 5000B tax applies to the amount reasonably attributable to the indoor tanning service, which is $26.81 (($30.00/$282.00) × $252.00).

Example 4: Person liable for the tax. On July 1, 2013, A buys bundled services (described in *Example 3*) from P as a gift for B. Under paragraph (e)(1) of this section, A is deemed to be the person on whom the indoor tanning services are performed for purposes of collecting the tax. Therefore, under paragraph (b)(1) of this section, A is liable for the tax when A pays for the services. The tax will be computed under the rules of paragraph (d)(3) of this section. If A does not pay the tax at the time A pays for the services, P is liable for the tax.

Example 5: Undesignated payment cards. (i) P operates a spa that provides a variety of cosmetic goods and services, including indoor tanning services. On July 1, 2013, A buys a gift certificate in the amount of $100.00 from P as a gift for B. The gift certificate may be redeemed by B for B's choice among several services offered by P, including indoor tanning services. On July 15, 2013, B partially redeems the gift certificate to pay for one 10-minute indoor tanning service.

(ii) Under paragraph (b)(2) of this section, a payment for indoor tanning services is made, and the tax under section 5000B is imposed, on July 15, 2013, when B partially redeems the gift certificate to pay for one indoor tanning service. Under paragraph (e)(2) of this section, B is the person who pays for the indoor tanning services. Therefore, B is liable for the tax, computed under the rules of paragraph (d) of this section, and pays the tax by permitting P to debit the amount of the tax from the balance of the gift certificate or by paying the amount of the tax to P in cash. If B does not pay the tax at the time B partially redeems the gift certificate to pay for the indoor tanning services, P is liable for the tax.

Example 6: Charges for other goods and services; tanning services bundled; amount attributable to tanning services. On July 1, 2013, A pays $1,000.00 (exclusive of the tax imposed by section 5000B) to spa P for the right to use the following equipment and services during the month of July: up to four massages or facials, unlimited use of a sauna, steam room, showers, and towel service, and unlimited indoor tanning services. If the services are purchased separately, P charges (exclusive of the tax imposed by section 5000B) $150.00 for unlimited indoor tanning services during the month of July, and $900.00 for the other equipment and services during the month of July, not including indoor tanning services. Under paragraph (b) of this section, A has made a payment for indoor tanning services and the tax will be computed under the rules of paragraph (d)(3) of this section. As determined under paragraph (d)(3) of this section, the section 5000B tax applies to the amount reasonably attributable to the indoor tanning services, which is $142.86 (($150.00/$1050.00) × $1000.00). If A does not pay the tax at the time A pays for the bundled services, P is liable for the tax.

Example 7: Payments to qualified physical fitness facilities. P operates a full-service gym facility that offers fitness classes, multiple exercise machines (such as treadmills, stationary bicycles, weight training machines, and free weights), and has as its predominant business providing these facilities, equipment, and services to members for purposes of exercise and physical fitness. P provides its members with access to indoor tanning services, comprised of two tanning beds that meet the definition of indoor tanning services under paragraph (c)(1) of this section. P generally charges its members a fee for monthly usage of its facilities, equipment, and services, but also offers short-term or free trial memberships and allows non-members to purchase individual or a series of exercise classes. P does not charge any fee for the indoor tanning services, does not offer indoor tanning services separately from its other services, and has no membership tier or category that differs from others based on access to the indoor tanning services. P holds itself out to the public through advertising and marketing as providing equipment and services to improve physical fitness. On July 1, 2013, A pays a membership fee to P in return for use of P's facility during the month of July. Under paragraph (d)(4) of this section, no portion of A's membership fee payment is treated as a payment made for indoor tanning services, because A is a qualified physical fitness facility under paragraph (c)(5) of this section. Therefore, no liability for tax arises under section 5000B.

(h) *Effective/applicability date.* This section applies to amounts paid on or after June 11, 2013. For rules that apply before that date, see 26 CFR part 49 (revised as of April 1, 2013).

PART 602—OMB CONTROL NUMBERS UNDER THE PAPERWORK REDUCTION ACT

■ **Par. 10.** The authority citation for part 602 continues to read as follows:

Authority: 26 U.S.C. 7805.

■ **Par. 11.** In § 602.101, paragraph (b) is amended by removing the entry for § 1.5000B–1 and adding an entry for 49.5000B–1 in numerical order to the table to read as follows:

§ 602.101 OMB Control numbers.

* * * * *

(b) * * *

CFR part or section where identified and described	Current OMB control No.
* * * * *	
49.5000B–1	1545–2177
* * * * *	

Beth Tucker,

Acting Deputy Commissioner for Services and Enforcement.

Approved: May 31, 2013.

Mark J. Mazur,

Assistant Secretary of the Treasury (Tax Policy).

[FR Doc. 2013–13876 Filed 6–10–13; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket No. USCG–2013–0305]

RIN 1625–AA08

Special Local Regulations for Marine Events, Atlantic City Offshore Race, Atlantic Ocean; Atlantic City, NJ

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is temporarily changing the enforcement date of a special local regulation for one specific recurring marine event in the Fifth Coast Guard District. This regulation applies to only one recurring marine event, held on the Atlantic Ocean, offshore of Atlantic City, New Jersey. The marine event formerly originated on the third Sunday in July, but now is on the fourth Sunday in June; the special local regulation is necessary to provide for the safety of life on navigable waters during the event. This action is intended to temporarily restrict vessel traffic in a portion of the Atlantic Ocean near Atlantic City, New Jersey, during the event.

DATES: This rule will be effective on June 23, 2013, only.

ADDRESSES: Documents mentioned in this preamble are part of docket [USCG–2013–0305]. To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type the docket number in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rulemaking. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Lieutenant Corrina Ott, U.S. Coast Guard Sector Delaware Bay, Chief of Waterways Management Division; telephone 215–271–4902, email *corrina.ott@uscg.mil.* If you have questions on viewing or submitting material to the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION:

Table of Acronyms

DHS Department of Homeland Security
FR Federal Register
NPRM Notice of Proposed Rulemaking

A. Regulatory History and Information

The regulation for this marine event is located at 33 CFR 100.501, Table to § 100.501, section (a.) line 4.

The Coast Guard is issuing this temporary final rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because immediate action is needed to minimize potential danger to the public during the event. The potential dangers posed by marine events conducted on the Atlantic Ocean, near Atlantic City, with other vessel traffic makes a special local regulation necessary to provide for the safety of participants, spectator craft and other vessels transiting the event area. For the safety concerns noted, it is in the public interest to have this regulation in effect during the event. In addition, it is impracticable to provide for a notice and comment period because the Coast Guard received late notice from the event planner of this change in date. The Coast Guard will issue broadcast notice to mariners to advise vessel operators of navigational restrictions. On scene Coast Guard and local law enforcement vessels will also provide actual notice to mariners.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. The Coast Guard did not receive information from the event sponsor early enough to allow 30 days after publication before making this rule effective. This final rule is necessary to protect the public and race participants during the regatta, and therefore, must be effective by the start of the event on June 23, 2013.

B. Basis and Purpose

Offshore Performance Association sponsors an annual offshore race held on the third Sunday in July on the waters of the Atlantic Ocean at Atlantic City, New Jersey.

The regulation listing annual marine events within the Fifth Coast Guard District and special local regulations locations is 33 CFR 100.501. The Table to § 100.501 identifies special local regulations by COTP zone, with the COTP Delaware Bay zone listed in section ''(a.)'' of the Table. The Table to § 100.501, at section (a.) event Number ''4'' describes the enforcement date and regulated location for this marine event.

The date listed in the Table has the marine event on the third Sunday in July. However, this temporary rule changes the marine event date to the fourth Sunday in June.

A fleet of spectator vessels is anticipated to gather nearby to view the marine event. Due to the need for vessel control during the marine event vessel traffic will be temporarily restricted to provide for the safety of participants, spectators and transiting vessels. Under provisions of 33 CFR 100.501, during the enforcement period, vessels may not enter the regulated area unless they receive permission from the Coast Guard Patrol Commander.

C. Discussion of the Final Rule

The Coast Guard will temporarily suspend the regulation listed in Table to § 100.501, section (a.) event Number 4, and insert this temporary regulation at Table to § 100.501, at section (a.) as event Number ''14'', in order to reflect that the marine event will be held on June 23, 2013. This special local regulation will be enforced from 10 a.m. until 5 p.m.

The regulated area of this special local regulation includes all the waters of the Atlantic Ocean, adjacent to Atlantic City, New Jersey, bounded by a line drawn between the following points: southeasterly from a point along the shoreline at latitude 39°21′50″ N,

longitude 074°24′37″ W, to latitude 39°20′40″ N, longitude 074°23′50″ W, thence southwesterly to latitude 39°19′33″ N, longitude 074°26′52″ W, thence northwesterly to a point along the shoreline at latitude 39°20′43″ N, longitude 074°27′40″ W, thence northeasterly along the shoreline to latitude 39°21′50″ N, longitude 074°24′37″ W.

This special local regulation will temporarily restrict general navigation in the regulated area during the marine event. Except for persons or vessels authorized by the Coast Guard Patrol Commander, no person or vessel may enter or remain in the regulated area during the effective period. The regulated area is needed to control vessel traffic during the event for the safety of participants and transiting vessels.

D. Regulatory Analyses

We developed this rule after considering numerous statutes and executive orders related to rulemaking. Below we summarize our analyses based on 13 of these statutes or executive orders.

1. Regulatory Planning and Review

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, as supplemented by Executive Order 13563, Improving Regulation and Regulatory Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of Executive Order 12866 or under section 1 of Executive Order 13563. The Office of Management and Budget has not reviewed it under those Orders.

Although this rule will temporarily restrict vessel traffic from transiting a portion of the Atlantic Ocean off the shore of Atlantic City, New Jersey during the specified event, the effect of this regulation will not be significant due to the limited duration that the regulated area will be in effect. Extensive advance notifications will be made to the maritime community via marine information broadcasts, local radio stations and area newspapers so mariners can adjust their plans accordingly. Additionally, this rulemaking changes the regulated area for the Atlantic Ocean, Atlantic City, Offshore Race for June 23, 2013 only and does not change the permanent regulated area that has been published in 33 CFR 100.501, Table to § 100.501 at portion ''a'' event Number ''4''. In some cases vessel traffic may be able to transit the regulated area when the Coast Guard Patrol Commander deems it is safe to do so.

2. Impact on Small Entities

The Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601–612, as amended, requires federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

This rule will affect the following entities, some of which might be small entities: The owners or operators of vessels intending to transit or anchor in the Atlantic Ocean, off the shore of Atlantic City, where marine events are being held. This regulation will not have a significant impact on a substantial number of small entities because it will only be in effect from 10 a.m. to 5 p.m. on June 23, 2013 in the regulated area. The Captain of the Port will ensure that small entities are able to operate in the regulated area when it is safe to do so. In some cases, vessels will be able to safely transit around the regulated area at various times, and, with the permission of the Patrol Commander, vessels may transit through the regulated area. Before the enforcement period, the Coast Guard will issue maritime advisories so mariners can adjust their plans accordingly.

3. Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT**, above.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

4. Collection of Information

This rule will not call for a new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

5. Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. We have analyzed this rule under that Order and determined that this rule does not have implications for federalism.

6. Protest Activities

The Coast Guard respects the First Amendment rights of protesters. Protesters are asked to contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to coordinate protest activities so that your message can be received without jeopardizing the safety or security of people, places or vessels.

7. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 (adjusted for inflation) or more in any one year. Though this rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

8. Taking of Private Property

This rule will not cause a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

9. Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

10. Protection of Children

We have analyzed this rule under Executive Order 13045, Protection of

Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not create an environmental risk to health or risk to safety that may disproportionately affect children.

11. Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

12. Energy Effects

This action is not a ''significant energy action'' under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use.

13. Technical Standards

This rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

14. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA)(42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves the establishment of a special local regulation within 33 CFR Part 100. It is necessary to provide for the safety of the general public and event participants from potential hazards associated with the movement of vessels near the event area. This rule is categorically excluded from further review under paragraph 34(h) of Figure 2–1 of the Commandant Instruction. An environmental analysis checklist supporting this determination and a Categorical Exclusion Determination are available in the docket where indicated under **ADDRESSES**. We seek any comments or information that may lead to the discovery of a significant environmental impact from this rule.

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water), Reporting and recordkeeping requirements, Waterways.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 100 as follows:

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

■ 1. The authority citation for part 100 continues to read as follows:

Authority: 33 U.S.C. 1233

■ 2. At § 100.501, further amend the Table to § 100.501, as revised May 21, 2013 (78 FR 29632), as follows:

■ a. Under ''(a) Coast Guard Sector Delaware Bay—COTP Zone,'' suspend entry 4.

■ b. Under, ''(a) Coast Guard Sector Delaware Bay—COTP Zone,'' add temporary entry 16 to read as follows:

§ 100.501 Special Local Regulations; Marine Events in the Fifth Coast Guard District.

* * * * *

(a.) COAST GUARD SECTOR DELAWARE BAY—COTP ZONE

No.	Date	Event	Sponsor	Location
*	*	*	* *	* *
16	June—4th Sunday.	OPA Atlantic City Offshore Race.	Offshore Performance Assn. (OPA).	The waters of the Atlantic Ocean, adjacent to Atlantic City, New Jersey, bounded by a line drawn between the following points: southeasterly from a point along the shoreline at latitude 39°21′50″ N, longitude 074°24′37″ W, to latitude 39°20′40″ N, longitude 074°23′50″ W, thence southwesterly to latitude 39°19′33″ N, longitude 074°26′52″ W, thence northwesterly to a point along the shoreline at latitude 39°20′43″ N, longitude 074°27′40″ W, thence northeasterly along the shoreline to latitude 39°21′50″ N, longitude 074°24′37″ W.
*	*	*	* *	* *

Dated: May 3, 2013.

K. Moore,

Captain, U.S. Coast Guard, Captain of the Port Delaware Bay.

[FR Doc. 2013–13849 Filed 6–10–13; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket No. USCG–2013–0118]

RIN 1625–AA08

Special Local Regulations; Marine Events, Wrightsville Channel; Wrightsville Beach, NC

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a Special Local Regulation for the ''Swim the Loop/Motts Channel Sprint'' swim event, to be held on the waters adjacent to and surrounding Harbor Island in Wrightsville Beach, North Carolina. This Special Local Regulation is necessary to provide for the safety of life on navigable waters during the event. This action will restrict vessel traffic on the Atlantic Intracoastal Waterway within 550 yards north and south of the U.S. 74/76

Bascule Bridge crossing the Atlantic Intracoastal Waterway, mile 283.1, at Wrightsville Beach, North Carolina, during the swim event.

DATES: This rule is effective on October 6, 2013, from 8 a.m. to 12 p.m.

ADDRESSES: Documents mentioned in this preamble are part of docket [USCG–2013–0118]. To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type the docket number in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rulemaking. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email BOSN4 Joseph M. Edge, Coast Guard Sector North Carolina, Coast Guard; telephone (252) 247–4525, email *Joseph.M.Edge@uscg.mil.* If you have questions on viewing or submitting material to the docket, call Barbara Hairston, Program Manager, Docket Operations, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

Table of Acronyms

DHS Department of Homeland Security
FR Federal Register
NPRM Notice of Proposed Rulemaking

A. Regulatory History and Information

On March 29, 2013, we published a Notice of Proposed Rulemaking for this event in the **Federal Register** (78 FR 19155). We received no comments on the proposed rule. No public meeting was requested, and none was held.

B. Basis and Purpose

On October 6, 2013, from 8:45 a.m. to 11:45 a.m., Without Limits Coaching will sponsor ''Swim the Loop'' and ''Motts Channel Sprint'' on the waters adjacent to and surrounding Harbor Island in Wrightsville Beach, North Carolina. The swim event will consist of up to 150 swimmers per event swimming a 1.3 mile course or a 3.5 mile course around Harbor Island in Wrightsville Beach, North Carolina. Participants will enter at the Dockside Marina on the west bank of the Atlantic Intracoastal Waterway south of the U.S 74/76 Bascule Bridge at Wrightsville Beach, North Carolina, and swim north and clockwise around Harbor Island returning to the Dockside Marina. To provide for the safety of participants, spectators and other transiting vessels, the Coast Guard will temporarily restrict vessel traffic in the event area during this event.

C. Discussion of the Final Rule

The Coast Guard is establishing a safety zone on the navigable waters of the Atlantic Intracoastal Waterway 550 yards north and south of the U.S. 74/76 Bascule Bridge, mile 283.1, latitude 34°13′06″ North, longitude 077°48′44″ West, at Wrightsville Beach, North Carolina.

To provide for the safety of participants, spectators and other transiting vessels, the Coast Guard will temporarily restrict vessel traffic in the event area during this event. Specifically, the U.S. 74/76 Bascule Bridge at Wrightsville Beach, North Carolina will remain closed during the event on October 6, 2013, from 8 a.m. to 12 p.m. During the event, general navigation within the safety zone will be restricted, no person or vessel may enter or remain in the regulated area, with the exception of participants and vessels authorized by the Coast Guard Captain of the Port or his representative.

D. Regulatory Analyses

We developed this rule after considering numerous statutes and executive orders related to rulemaking. Below we summarize our analyses based on these statutes and executive orders.

1. Regulatory Planning and Review

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, as supplemented by Executive Order 13563, Improving Regulation and Regulatory Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of Executive Order 12866 or under section 1 of Executive Order 13563. The Office of Management and Budget has not reviewed it under those Orders. Although this regulation will restrict access to the area, the effect of this rule will not be significant because the regulated area will be in effect for a limited time, from 8 a.m. to 12 p.m., on October 6, 2013. The Coast Guard will provide advance notification via maritime advisories so mariners can adjust their plans accordingly. The regulated area will apply only to the section of Atlantic Intracoastal Waterway in the immediate vicinity of U.S. 74/76 Bascule Bridge at Wrightsville Beach, North Carolina. Coast Guard vessels enforcing this regulated area can be contacted on marine band radio VHF–FM channel 16 (156.8 MHz).

2. Impact on Small Entities

The Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601–612, as amended, requires federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard received no comments from the Small Business Administration on this rule. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

This rule will affect the following entities, some of which may be small entities: The owners or operators of recreational vessels intending to transit the specified portion of Atlantic Intracoastal Waterway from 8 a.m. to 12 p.m. on October 6, 2013.

This rule will not have a significant economic impact on a substantial number of small entities for the following reasons. This rule will only be in effect for four hours from 8 a.m. to 12 p.m. The regulated area applies only to the section of Atlantic Intracoastal Waterway in the vicinity of the U.S. 74/76 Bascule Bridge at Wrightsville Beach, North Carolina. Vessel traffic may be allowed to pass through the regulated area with the permission of the Coast Guard Patrol Commander. In the case where the Patrol Commander authorizes passage through the regulated area, vessels shall proceed at the minimum speed necessary to maintain a safe course that minimizes wake near the swim course. The Patrol Commander will allow non-participating vessels to transit the event area once all swimmers are safely clear of navigation channels and vessel traffic areas. Before the enforcement period, we will issue maritime advisories so mariners can adjust their plans accordingly.

3. Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT**, above.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

4. Collection of Information

This rule will not call for a new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

5. Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. We have analyzed this rule under that Order and determined that this rule does not have implications for federalism.

6. Protest Activities

The Coast Guard respects the First Amendment rights of protesters. Protesters are asked to contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to coordinate protest activities so that your message can be received without jeopardizing the safety or security of people, places or vessels.

7. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 (adjusted for inflation) or more in any one year. Though this rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

8. Taking of Private Property

This rule will not cause a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

9. Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

10. Protection of Children

We have analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not create an environmental risk to health or risk to safety that may disproportionately affect children.

11. Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

12. Energy Effects

This action is not a ''significant energy action'' under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use.

13. Technical Standards

This rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

14. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves implementation of regulations within 33 CFR Part 100 that apply to organized marine events on the navigable waters of the United States that may have potential for negative impact on the safety or other interest of waterway users and shore side activities in the event area. This special local regulation is necessary to provide for the safety of the general public and event participants from potential hazards associated with movement of vessels near the event area. This rule is categorically excluded from further review under paragraph 34(h) of Figure 2–1 of the Commandant Instruction. An environmental analysis checklist supporting this determination and a Categorical Exclusion Determination are available in the docket where indicated under **ADDRESSES**.

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water), Reporting and recordkeeping requirements, Waterways.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR Part 100 as follows:

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

■ 1. The authority citation for part 100 continues to read as follows:

Authority: 33 U.S.C. 1233.

■ 2. Add § 100.35–T05–0118 to read as follows:

§ 100.35–T05–0118, Special Local Regulations for Marine Events, Wrightsville Channel; Wrightsville Beach, NC.

(a) *Regulated area.* The following location is a regulated area: All waters of the Atlantic Intracoastal Waterway within 550 yards north and south of the U.S. 74/76 Bascule Bridge, mile 283.1, latitude 34°13′06″ North, longitude 077°48′44″ West, at Wrightsville Beach, North Carolina. All coordinates reference Datum NAD 1983.

(b) *Definitions:* (1) *Coast Guard Patrol Commander* means a commissioned, warrant, or petty officer of the U.S. Coast Guard who has been designated by the Commander, Coast Guard Sector North Carolina.

(2) *Official Patrol* means any vessel assigned or approved by Commander, Coast Guard Sector North Carolina with a commissioned, warrant, or petty officer on board and displaying a Coast Guard ensign.

(3) *Participant* means all participating in the ''Swim the Loop/Motts Channel Sprint'' swim event under the auspices of the Marine Event Permit issued to the event sponsor and approved by Commander, Coast Guard Sector North Carolina.

(4) *Spectator* means all persons and vessels not registered with the event sponsor as participants or official patrol.

(c) *Special local regulations:* (1) The Coast Guard Patrol Commander will control the movement of all vessels in the vicinity of the regulated area. When

hailed or signaled by an official patrol vessel, a vessel approaching the regulated area shall immediately comply with the directions given. Failure to do so may result in termination of voyage and citation for failure to comply.

(2) The Coast Guard Patrol Commander may terminate the event, or the operation of any support vessel participating in the event, at any time it is deemed necessary for the protection of life or property. The Coast Guard may be assisted in the patrol and enforcement of the regulated area by other Federal, State, and local agencies.

(3) Vessel traffic, not involved with the event, may be allowed to transit the regulated area with the permission of the Patrol Commander. Vessels that desire passage through the regulated area shall contact the Coast Guard Patrol Commander on VHF-FM marine band radio for direction. Only participants and official patrol vessels are allowed to enter the regulated area.

(4) All Coast Guard vessels enforcing the regulated area can be contacted on marine band radio VHF-FM channel 16 (156.8 MHz) and channel 22 (157.1 MHz). The Coast Guard will issue marine information broadcast on VHF-FM marine band radio announcing specific event date and times.

(d) *Enforcement period.* This section will be enforced from 8 a.m. to 12 p.m. on October 6, 2013.

Dated: May 2, 2013.

A. Popiel,

Captain, U.S. Coast Guard, Captain of the Port North Carolina.

[FR Doc. 2013–13756 Filed 6–10–13; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket Number USCG–2013–0102]

RIN 1625–AA08

Special Local Regulations; ODBA Draggin' on the Waccamaw, Atlantic Intracoastal Waterway; Bucksport, SC

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a special local regulation on the Atlantic Intracoastal Waterway in Bucksport, South Carolina during the Outboard Drag Boat Association (ODBA) Draggin' on the Waccamaw, a series of high-speed boat races. The event will take place on Saturday, June 22, 2012 and Sunday, June 23, 2013. Approximately 50 high-speed race boats are anticipated to participate in the races. This special local regulation is necessary to provide for the safety of life and property on navigable waters of the United States during the event. This special local regulation will temporarily restrict vessel traffic in a portion of the Atlantic Intracoastal Waterway. Persons and vessels that are not participating in the races will be prohibited from entering, transiting through, anchoring in, or remaining within the regulated area unless authorized by the Captain of the Port Charleston or a designated representative.

DATES: This rule is effective June 22–23, 2013 and will be enforced daily from 11:00 a.m. until 7:30 p.m. on June 22, 2013 and June 23, 2013.

ADDRESSES: Documents mentioned in this preamble are part of docket USCG–2013–0102. To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type the docket number in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rulemaking. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Chief Warrant Officer Christopher Ruleman, Sector Charleston Waterways Management, U.S. Coast Guard; telephone (843) 740–3184, email *christopher.l.ruleman@uscg.mil.* If you have questions on viewing the docket, call Barbara Hairston, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION:

Table of Acronyms

DHS Department of Homeland Security
FR Federal Register
NPRM Notice of Proposed Rulemaking

A. Regulatory History and Information

On March 14, 2013, the Coast Guard published a notice of proposed rulemaking (NPRM) entitled Special Local Regulations; ODBA Draggin' on the Waccamaw, Atlantic Intercoastal Waterway, Bucksport, SC in the **Federal Register** (78 FR 16205). We received no comments on the proposed rule. No public meeting was requested, and none was held.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. The Coast Guard did not receive information from the event sponsor early enough to both publish a NPRM and allow 30 days after publication before making this rule effective. The Coast Guard chose to notify the public and seek comment on this rule by publishing a NPRM. This final rule is necessary to protect the public and race participants during the regatta, and therefore, must be effective by the start of the event on June 22, 2013.

B. Basis and Purpose

The legal basis for the rule is the Coast Guard's authority to establish special local regulations: 33 U.S.C. 1233. The purpose of the rule is to ensure safety of life and property on navigable waters of the United States during the ODBA Draggin' on the Waccamaw boat races.

C. Discussion of Rule

On Saturday, June 22, 2013, and Sunday, June 23, 2013, the Outboard Drag Boat Association (ODBA) will host Draggin' on the Waccamaw, a series of high-speed boat races. The event will be held on a portion of the Atlantic Intracoastal Waterway in Bucksport, South Carolina. Approximately 50 high-speed race boats are anticipated to participate in the races.

The special local regulation encompasses certain waters of the Atlantic Intracoastal Waterway in Bucksport, South Carolina. The special local regulation will be enforced daily from 11:00 a.m. until 7:30 p.m. on June 22, 2012, through June 23, 2013. The special local regulation consists of a regulated area around vessels participating in the event. The regulated area is as follows: All waters of the Atlantic Intracoastal Waterway encompassed within an Imaginary line connecting the following points; starting at point 1 in position 33°39′11.46″ N 079°05′36.78″ W; thence west to point 2 in position 33°39′12.18″ N 079°05′47.76″ W; thence south to point 3 in position 33°38′39.48″ N 079°05′37.44″ W; thence east to point 4 in position 33°38′42.3″ N 079°05′30.6″ W; thence north back to origin. All coordinates are North American Datum 1983. Persons and vessels that are not participating in the event are prohibited from entering, transiting through, anchoring in, or remaining within the regulated area unless specifically authorized by the Captain of the Port Charleston or a designated

representative. Persons and vessels may request authorization to enter, transit through, anchor in, or remain within the regulated area by contacting the Captain of the Port Charleston by telephone at (843) 740–7050, or a designated representative via VHF radio on channel 16 to seek authorization. If authorization to enter, transit through, anchor in, or remain within the regulated area is granted by the Captain of the Port Charleston or a designated representative, all persons and vessels receiving such permission must comply with the instructions of the Captain of the Port Charleston or a designated representative. The Coast Guard will provide notice of the regulated areas by Local Notice to Mariners, Broadcast Notice to Mariners, and on-scene designated representatives.

D. Regulatory Analyses

We developed this rule after considering numerous statutes and executive orders related to rulemaking. Below we summarize our analyses based on these statutes and executive orders.

1. Regulatory Planning and Review

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, as supplemented by Executive Order 13563, Improving Regulation and Regulatory Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of Executive Order 12866 or under section 1 of Executive Order 13563. The Office of Management and Budget has not reviewed it under those Orders.

The economic impact of this rule is anticipated to be significant for the following reasons: (1) Although persons and vessels will not be able to enter, transit through, anchor in, or remain within the race area without authorization from the Captain of the Port Charleston or a designated representative, they may operate in the surrounding area during the effective period; (2) persons and vessels may still enter, transit through, anchor in, or remain within the race area if authorized by the Captain of the Port Charleston or a designated representative; and (3) advance notification will be made to the local maritime community via broadcast notice to mariners.

2. Impact on Small Entities

The Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601–612, as amended, requires federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

This rule may affect the following entities, some of which may be small entities: The owners or operators of vessels intending to enter, transit through, anchor in, or remain within that portion that portion of the Atlantic Intracoastal Waterway encompassed within the regulated area from 11:00 a.m. until 7:30 p.m. on June 22, 2012, through June 23, 2013. For the reasons discussed in the Regulatory Planning and Review section above, this rule will not have a significant economic impact on a substantial number of small entities.

3. Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT**, above.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

4. Collection of Information

This rule calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

5. Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. We have analyzed this rule under that Order and have determined that it does not have implications for federalism.

6. Protest Activities

The Coast Guard respects the First Amendment rights of protesters. Protesters are asked to contact the person listed in the **FOR FURTHER INTFORMATION CONTACT** section to coordinate protest activities so that your message can be received without jeopardizing the safety or security of people, places or vessels.

7. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 (adjusted for inflation) or more in any one year. Though this rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

8. Taking of Private Property

This rule will not affect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

9. Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

10. Protection of Children

We have analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not create an environmental risk to health or risk to safety that may disproportionately affect children.

11. Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes,

or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

12. Energy Effects

This action is not a ''significant energy action'' under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use.

13. Technical Standards

This rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

14. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves a special local regulation issued in conjunction with a regatta or marine parade. This rule is categorically excluded, under figure 2–1, paragraph (34)(h), of the Commandant Instruction. An environmental analysis checklist supporting this determination and a Categorical Exclusion Determination are available in the docket where indicated under **ADDRESSES**. We seek any comments or information that may lead to the discovery of a significant environmental impact from this rule.

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water), Reporting and recordkeeping requirements, Waterways.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 100 as follows:

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

■ 1. The authority citation for part 100 continues to read as follows:

Authority: 33 U.S.C. 1233.

■ 2. Add a temporary § 100.35T07–0102 to read as follows:

§ 100.35T07–0102 Special Local Regulations; ODBA Draggin' on the Waccamaw, Atlantic Intracoastal Waterway, Bucksport, SC.

(a) *Regulated Area.* The following regulated area is established as a special local regulation: All waters of the Atlantic Intracoastal Waterway encompassed within an Imaginary line connecting the following points; starting at point 1 in position 33°39′11.46″ N 079°05′36.78″ W; thence west to point 2 in position 33°39′12.18″ N 079°05′47.76″ W; thence south to point 3 in position 33°38′39.48″ N 079°05′37.44″ W; thence east to point 4 in position 33°38′42.3″ N 079°05′30.6″ W; thence north back to origin. All coordinates are North American Datum 1983.

(b) *Definition.* The term ''designated representative'' means Coast Guard Patrol Commanders, including Coast Guard coxswains, petty officers, and other officers operating Coast Guard vessels, and Federal, state, and local officers designated by or assisting the Captain of the Port Charleston in the enforcement of the regulated areas.

(c) *Regulations.* (1) All persons and vessels, except those persons and vessels participating in the event, are prohibited from entering, transiting through, anchoring in, or remaining within the regulated area unless authorized by the Captain of the Port Charleston or a designated representative.

(2) Nonparticipant persons and vessels desiring to enter, transit through, anchor in, or remain within the regulated area may contact the Captain of the Port Charleston by telephone at (843) 740–7050, or a designated representative via VHF radio on channel 16 to seek authorization. If authorization to enter, transit through, anchor in, or remain within the regulated area is granted by the Captain of the Port Charleston or a designated representative, all persons and vessels receiving such permission must comply with the instructions of the Captain of the Port Charleston or a designated representative.

(3) The Coast Guard will provide notice of the regulated area by Broadcast Notice to Mariners, Local Notice to Mariners, and on-scene designated representatives.

(d) *Enforcement Period.* This rule will be enforced daily from 11:00 a.m. until 7:30 p.m. on June 22, 2013, through June 23, 2013.

Dated: May 6, 2013.

M.F. White,

Captain, U.S. Coast Guard, Captain of the Port Charleston.

[FR Doc. 2013–13758 Filed 6–10–13; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket No. USCG–2013–0213]

Special Local Regulations; Recurring Marine Events in the Seventh Coast Guard District

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement of regulation.

SUMMARY: The Coast Guard will enforce the regulation pertaining to the Beaufort Water Festival from 1 p.m. through 4 p.m. on July 27, 2013. This action is necessary to ensure safety of life on navigable waters of the United States during the Beaufort Water Festival Air Show. During the enforcement period, the special local regulation establishes a regulated area which will all people and vessels will be prohibited from entering. Vessels may enter, transit through, anchor in, or remain within the area if authorized by the Captain of the Port Charleston or a designated representative.

DATES: The regulation in 33 CFR 100.701 Table 1 will be enforced from 1 p.m. through 4 p.m. July 27, 2013.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email CWO Christopher Ruleman, Sector Charleston Office of Waterways Management, Coast Guard; telephone 843–740–3184, email *christopher.l.ruleman@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the special local regulation for the Beaufort Water Festival in 33 CFR 100.701 Table 1 from 1:00 p.m. through 4:00 p.m. on July 27, 2013.

Under the provisions of 33 CFR 100.701 no vessels or people may enter the regulated area, unless it receives permission to do so from the Captain of the Port. This temporary rule creates a regulated area that will encompass a portion of the waterway that is 700 ft wide by 2,600 ft in length, whose approximate corner coordinates are as follows: 32°25′47″ N/080°40′44″ W, 32°25′41″ N/080°40′14″ W, 32°25′35″ N/080°40′16″ W, 32°25′40″ N/080°40′46″ W.

Spectator vessels may safely transit outside the regulated area, but may not anchor, block, loiter in, or impede the transit of festival participants or official patrol vessels. The Coast Guard may be assisted by other Federal, State, or local law enforcement agencies in enforcing

this regulation. This notice is issued under authority of 33 CFR 100.701 and 5 U.S.C. 552(a).

The Coast Guard will provide notice of the regulated areas by Local Notice to Mariners, Broadcast Notice to Mariners, and on-scene designated representatives.

Dated: May 6, 2013.

M.F. White,

Captain, U.S. Coast Guard, Captain of the Port Charleston.

[FR Doc. 2013–13765 Filed 6–10–13; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Parts 100 and 165

[Docket No. USCG–2012–1057]

RIN 1625–AA08; 1625–AA00

Special Local Regulations and Safety Zones; Marine Events in Northern New England

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing three temporary special local regulations for marine regattas and fifteen temporary safety zones for fireworks displays and swim events within the Captain of the Port (COTP) Northern New England (NNE) Zone. This action is necessary to provide for the safety of life on navigable waters during these events. Entry into, transit through, mooring or anchoring within these zones is prohibited unless authorized by the COTP Sector Northern New England.

DATES: This rule will be enforced with actual notice from May 24, 2013, until June 11, 2013. This rule is effective in the Code of Federal Regulations from June 11, 2013 until July 5, 2013. This rule will be enforced during the specific dates and times listed in Table to § 100.T01–1057 and Table to § 165.T01–1057.

ADDRESSES: Documents mentioned in this preamble are part of docket [USCG–2013–1057]. To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type the docket number in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rulemaking. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Ensign Elizabeth Morris, Waterways Management Division at Coast Guard Sector Northern New England, telephone 207–767–0398, email *Elizabeth.V.Morris@uscg.mil.* If you have questions on viewing or submitting material to the docket, call Barbara Hairston, Program Manager, Docket Operations, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

Table of Acronyms

COTP Captain of the Port
DHS Department of Homeland Security
FR Federal Register
LIS Long Island Sound
NPRM Notice of Proposed Rulemaking

A. Regulatory History and Information

On March 22, 2013, the Coast Guard provided the public with notice and an opportunity to comment when it published a notice of proposed rulemaking (NPRM) titled, ''Special Local Regulations and Safety Zones; Recurring Events in Northern New England,'' in the **Federal Register**. (78 FR 17613). The comment period ended on May 21, 2013, with no comments.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. There is insufficient time to undergo a 30 day delayed effective date and thus it is impracticable. Any delay encountered in this regulation's effective date would also be contrary to public interest since immediate action is needed to provide for the safety of life and property on navigable waters from the hazardous nature of fireworks, high speed power boat races, and large gatherings of swimmers in the waterway.

B. Basis and Purpose

The legal basis for this temporary rule is 33 U.S.C. 1231, 1233; 46 U.S.C. chapter 701, 3306, 3703; 50 U.S.C. 191, 195; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Public Law 107–295, 116 Stat. 2064; and Department of Homeland Security Delegation No. 0170.1, which collectively authorize the Coast Guard to define regulatory safety zones and regulated areas.

This rulemaking establishes special local regulations for power boat races and marine parades and safety zones for marine events involving fireworks displays and swim events on the navigable waters of the COTP Sector NNE Zone. This rule is necessary to protect waterway users from the dangers inherent to these activities.

C. Discussion of the Final Rule

This temporary rule establishes special local regulations and safety zones for eighteen events in the COTP Sector NNE Zone. Specific event names, locations, dates and times are listed below in the regulation text.

Because large numbers of spectator vessels are expected to congregate around the location of these events, these regulated areas are needed to protect both spectators and participants from the safety hazards created by them including vessels operating at high speeds and unexpected pyrotechnics detonation and burning debris.

This rule prevents vessels from entering, transiting, mooring or anchoring within areas specifically designated as regulated areas during the periods of enforcement unless authorized by the COTP or designated representative.

The Coast Guard has determined that these regulated areas will not have a significant impact on vessel traffic due to their temporary nature, limited size, and the fact that vessels are allowed to transit the navigable waters outside of the regulated areas. The COTP will cause public notifications to be made by all appropriate means including but not limited to the Local Notice to Mariners and Broadcast Notice to Mariners.

D. Regulatory Analyses

We developed this rule after considering numerous statutes and executive orders related to rulemaking. Below we summarize our analyses based on these statutes and executive orders.

1. Regulatory Planning and Review

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, as supplemented by Executive Order 13563, Improving Regulation and Regulatory Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of Executive Order 12866 or under section 1 of Executive Order 13563. The Office of Management and Budget has not reviewed it under those Orders.

The Coast Guard determined that this rule is not a significant regulatory action for the following reasons: The regulated areas will be of limited duration and cover only a small portion of the navigable waterways. Furthermore, vessels may transit the navigable

waterways outside of the regulated areas. Vessels requiring entry into the regulated areas may be authorized to do so by the COTP or designated representative.

Advanced public notifications will also be made to the local maritime community by the Local Notice to Mariners as well as Broadcast Notice to Mariners.

2. Impact on Small Entities

The Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601–612, as amended, requires federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

The owners or operators of vessels intending to transit or anchor in the designated regulated areas during the enforcement periods stated for each event listed below in the List of Subjects.

The temporary special local regulations and safety zones will not have a significant economic impact on a substantial number of small entities for the following reasons: the regulated areas will be of limited size and of short duration, and vessels that can safely do so may navigate in all other portions of the waterways except for the areas designated as regulated areas. Additionally, notifications will be made before the effective period by all appropriate means, including but not limited to the Local Notice to Mariners and Broadcast Notice to Mariners well in advance of the events.

3. Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT**, above.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

4. Collection of Information

This rule will not call for a new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

5. Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. We have analyzed this rule under that Order and determined that this rule does not have implications for federalism.

6. Protest Activities

The Coast Guard respects the First Amendment rights of protesters. Protesters are asked to contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to coordinate protest activities so that your message can be received without jeopardizing the safety or security of people, places or vessels.

7. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 (adjusted for inflation) or more in any one year. Though this rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

8. Taking of Private Property

This rule will not cause a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

9. Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

10. Protection of Children

We have analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not create an environmental risk to health or risk to safety that may disproportionately affect children.

11. Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

12. Energy Effects

This action is not a ''significant energy action'' under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use.

13. Technical Standards

This rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

14. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves the establishment of safety zones. This rule is categorically excluded from further review under paragraph 34(g) of Figure 2–1 of the Commandant Instruction. An environmental analysis checklist supporting this determination and a Categorical Exclusion Determination are available in the docket where indicated under **ADDRESSES**.

List of Subjects

33 CFR Part 100

Marine safety, Navigation (water), Reporting and recordkeeping requirements, Waterways.

33 CFR Part 165

Marine safety, Navigation (water), Reporting and recordkeeping requirements, Waterways.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR Parts 100 and 165 as follows:

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

■ 1. The authority citation for Part 100 continues to read as follows:

Authority: 33 U.S.C. 1233.

■ 2. Add § 100.T01–1057 to read as follows:

§ 100.T01–1057 Special Local Regulations; Marine Events in Northern New England.

(a) *Regulations.* The general regulations contained in 33 CFR 100.120 as well as the following regulations apply to the events listed in the TABLE to § 100.T01–1057. These regulations will be enforced for the duration of each event.

(b) *Enforcement Period.* This rule will be enforced on the dates and times listed for each event in TABLE to § 100.T01–1057.

(c) *Definitions.* The following definitions apply to this section:

(1) *Designated Representative.* A ''designated representative'' is any Coast Guard commissioned, warrant or petty officer of the U.S. Coast Guard who has been designated by the Captain of the Port (COTP), Sector Long Island Sound, to act on his or her behalf. The designated representative may be on an official patrol vessel or may be on shore and will communicate with vessels via VHF–FM radio or loudhailer. In addition, members of the Coast Guard Auxiliary may be present to inform vessel operators of this regulation.

(2) *Official Patrol Vessels.* Official patrol vessels may consist of any Coast Guard, Coast Guard Auxiliary, state, or local law enforcement vessels assigned or approved by the COTP.

(3) *Spectators.* All persons and vessels not registered with the event sponsor as participants or official patrol vessels.

(d) Spectators desiring to enter or operate within the regulated areas should contact the COTP or the designated representative via VHF channel 16 or by telephone at (207) 767–0303 to obtain permission to do so. Spectators given permission to enter or operate in the regulated area must comply with all directions given to them by the COTP Sector Northern New England or the designated on-scene representative.

(e) Upon being hailed by an official patrol vessel or the designated representative, by siren, radio, flashing light or other means, the operator of the vessel shall proceed as directed. Failure to comply with a lawful direction may result in expulsion from the area, citation for failure to comply, or both.

(f) For all power boat races listed, vessels operating within the regulated area must be at anchor within a designated spectator area or moored to a waterfront facility in a way that will not interfere with the progress of the event.

(g) For all regattas and boat parades listed, spectator vessels operating within the regulated area shall maintain a separation of at least 50 yards from the participants.

(h) For all rowing and paddling boat races listed, vessels not associated with the event shall maintain a separation of at least 50 yards from the participants.

TABLE TO § 100.T01–1057

JUNE	
Charlie Begin Memorial Lobster Boat Races	• Event Type: Power Boat Race. • Sponsor: Boothbay Harbor Lobster Boat Race Committee. • Date: June 15, 2013. • Time: 9:00 am to 3:00 pm. • Location: The regulated area includes all waters of Boothbay Harbor, Maine in the vicinity of John's Island within the following points (NAD 83): 43°50′04″ N 069°38′37″ W. 43°50′54″ N 069°38′06″ W. 43°50′49″ N 069°37′50″ W. 43°50′00″ N 069°38′20″ W.
Rockland Harbor Lobster Boat Races	• Event Type: Power Boat Race. • Sponsor: Rockland Harbor Lobster Boat Race Committee. • Date: June 16, 2013. • Time: 9:00 am to 4:00 pm. • Location: The regulated area includes all waters of Rockland Harbor, Maine in the vicinity of the Rockland Breakwater Light within the following points (NAD 83): 44°05′59″ N 069°04′53″ W. 44°06′43″ N 069°05′25″ W. 44°06′50″ N 069°05′05″ W. 44°06′05″ N 069°04′34″ W.
Windjammer Days Parade of Ships	• Event Type: Tall Ship Parade. • Sponsor: Boothbay Region Chamber of Commerce. • Date: June 26, 2013. • Time: 1:00 pm to 5:00 pm. • Location: The regulated area includes all waters of Boothbay Harbor, Maine in the vicinity of Tumbler's Island within the following points (NAD 83): 43°51′02″ N 069°37′33″ W. 43°50′47″ N 069°37′31″ W. 43°50′23″ N 069°37′57″ W. 43°50′01″ N 069°37′45″ W. 43°50′01″ N 069°38′31″ W. 43°50′25″ N 069°38′25″ W. 43°50′49″ N 069°37′45″ W.

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

■ 3. The authority citation for Part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 46 U.S.C. Chapter 701, 3306, 3703; 50 U.S.C. 191, 195; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Pub. L. 107–295, 116 Stat. 2064; and Department of Homeland Security Delegation No. 0170.1.

■ 4. Add § 165.T01–1057 to read as follows:

§ 165.T01–1057 Safety Zones; Marine Events in Northern New England.

(a) Regulations. The general regulations contained in 33 CFR 165.23 as well as the following regulations apply to the events listed in the TABLE of § 165.T01–1057. These regulations will be enforced for the duration of each event.

(b) Enforcement Period. This rule will be enforced from on the dates and times listed for each event in TABLE of § 165.T01–1057.

(c) Definitions. The following definitions apply to this section:

(1) *Designated Representative.* A ''designated representative'' is any Coast Guard commissioned, warrant or petty officer of the U.S. Coast Guard who has been designated by the Captain of the Port (COTP), Sector Long Island Sound, to act on his or her behalf. The designated representative may be on an official patrol vessel or may be on shore and will communicate with vessels via VHF–FM radio or loudhailer. In addition, members of the Coast Guard Auxiliary may be present to inform vessel operators of this regulation.

(2) *Official Patrol Vessels.* Official patrol vessels may consist of any Coast Guard, Coast Guard Auxiliary, state, or local law enforcement vessels assigned or approved by the COTP.

(3) *Spectators.* All persons and vessels not registered with the event sponsor as participants or official patrol vessels.

(d) Spectators desiring to enter or operate within the regulated areas should contact the COTP or the designated representative via VHF channel 16 or by telephone at (207) 767–0303 to obtain permission to do so. Spectators given permission to enter or operate in the regulated area must comply with all directions given to them by the COTP Sector Northern New England or the designated on-scene representative.

(e) Upon being hailed by an official patrol vessel or the designated representative, by siren, radio, flashing light or other means, the operator of the vessel shall proceed as directed. Failure to comply with a lawful direction may result in expulsion from the area, citation for failure to comply, or both.

(f) For all swim events listed, vessels not associated with the event shall maintain a separation zone of 200 feet from participating swimmers.

(g) For all fireworks displays listed below, the regulated area is that area of navigable waters within a 350 yard radius of the launch platform or launch site for each fireworks display.

TABLE TO § 165.T01–1057

MAY	
Ride Into Summer (formerly known as Hawgs, Pies, & Fireworks)	• Event Type: Fireworks Display. • Sponsor: Gardiner Maine Street. • Date: May 25, 2013. • Time: 8:00 p.m. to 10:30 p.m. • Location: In the vicinity of the Gardiner Waterfront, Gardiner, Maine in approximate position: 44°13′43″ N, 069°46′04″ W (NAD 83).
JUNE	
Tri for a Cure Swim Clinics and Triathlon	• Event Type: Swim Event. • Sponsor: Maine Cancer Foundation. • Dates and Times: June 19, 2013 4:30 p.m. to 8:30 p.m. June 22, 2013 7:30 a.m. to 11:30 a.m. July 1, 2013 4:00 p.m. to 8:00 p.m. July 13, 2013 11:30 a.m. to 3:30 p.m. July 21, 2013 7:00 a.m. to 11:00 a.m. • Location: The regulated area includes all waters of Portland Harbor, Maine in the vicinity of Spring Point Light within the following points (NAD 83): 43°39′01″ N 070°13′32″ W. 43°39′07″ N 070°13′29″ W. 43°39′06″ N 070°13′41″ W. 43°39′01″ N 070°13′36″ W.
Rotary Waterfront Days Fireworks	• Event Type: Fireworks Display. • Sponsor: Gardiner Rotary. • Date: June 22, 2013. • Time: 8:00 p.m. to 10:00 p.m. • Location: In the vicinity of the Gardiner Waterfront, Gardiner, Maine in approximate position: 44°13′52″ N, 069°46′08″ W (NAD 83).
Windjammer Days Fireworks	• Event Type: Fireworks Display. • Sponsor: Boothbay Harbor Region Chamber of Commerce. • Date: June 26, 2013. • Time: 8:00 p.m. to 10:30 p.m. • Location: In the vicinity of McFarland Island, Boothbay Harbor, Maine in approximate position: 43°50′38″ N, 069°37′57″ W (NAD 83).
Jonesport 4th of July Fireworks	• Event Type: Fireworks Display. • Sponsor: Jonesport 4th of July Committee.

TABLE TO § 165.T01–1057—Continued

	• Date: June 29, 2013. • Time: 8:30 p.m. to 11:00 p.m. • Location: In the vicinity of Beals Island, Jonesport, Maine in approximate position: 44°31′18″ N, 067°36′43″ W (NAD 83).
JULY	
Burlington Independence Day Fireworks Complete	• Event Type: Firework Display. • Sponsor: City of Burlington, Vermont. • Date: July 3, 2013. • Time: 8:00 p.m. to 10:30 p.m. • Location: From a barge in the vicinity of Burlington Harbor, Burlington, Vermont in approximate position: 44°28′31″ N, 073°13′31″ W (NAD 83).
Camden 4th of July Fireworks (Formerly Camden 3rd of July Fireworks).	• Event Type: Fireworks Display. • Sponsor: Penobscot Bay Regional Chamber of Commerce (Formerly Camden, Rockport, Lincolnville Chamber of Commerce). • Date: July 4, 2013. • Time: 8:15 p.m. to 10:45 p.m. • Location: In the vicinity of Camden Harbor, Maine in approximate position: 44°12′32″ N, 069°02′58″ W (NAD 83).
Bangor 4th of July Fireworks	• Event Type: Fireworks Display. • Sponsor: Bangor 4th of July Fireworks. • Date: July 4, 2013. • Time: 8:30 p.m. to 11:00 p.m. • Location: In the vicinity of the Bangor Waterfront, Bangor, Maine in approximate position: 44°47′27″ N, 068°46′31″ W (NAD 83).
Bar Harbor 4th of July Fireworks	• Event Type: Fireworks Display. • Sponsor: Bar Harbor Chamber of Commerce. • Date: July 4, 2013. • Rain date: July 5, 2013. • Time: 8:00 p.m. to 10:30 p.m. • Location: In the vicinity of Bar Harbor Town. Pier, Bar Harbor, Maine in approximate position: 44°23′31″ N, 068°12′15″ W (NAD 83).
Boothbay Harbor 4th of July Fireworks	• Event Type: Fireworks Display. • Sponsor: Town of Boothbay Harbor. • Date: July 4, 2013. • Time: 8:00 p.m. to 10:30 p.m. • Location: In the vicinity of McFarland Island, Boothbay Harbor, Maine in approximate position: 43°50′38″ N, 069°37′57″ W (NAD 83).
Colchester 4th of July Fireworks	• Event Type: Fireworks Display. • Sponsor: Town of Colchester, Recreation Department. • Date: July 4, 2013. • Rain Date: July 5, 2013. • Time: 8:00 p.m. to 10:30 p.m. • Location: In the vicinity of Bayside Beach and Mallets Bay in Colchester, Vermont in approximate position: 44°32′44″ N, 073°13′10″ W (NAD 83).
Eastport 4th of July Fireworks	• Event Type: Fireworks Display. • Sponsor: Eastport 4th of July Committee. • Date: July 4, 2013. • Time: 8:00 p.m. to 10:30 p.m. • Location: From the Waterfront Public Pier in Eastport, Maine in approximate position: 44°54′25″ N, 066°58′55″ W (NAD 83).
Portland Harbor 4th of July Fireworks	• Event Type: Fireworks Display. • Sponsor: Department of Parks and Recreation, Portland, Maine. • Date: July 4, 2013. • Rain date: July 5, 2013. • Time: 8:30 p.m. to 10:30 p.m. • Location: In the vicinity of East End Beach, Portland, Maine in approximate position: 43°40′16″ N, 070°14′44″ W (NAD 83).
Stonington 4th of July Fireworks	• Event Type: Fireworks Display. • Sponsor: Deer Isle—Stonington Chamber of Commerce. • Date: July 4, 2013. • Rain Date: July 5, 2013. • Time: 8:00 p.m. to 10:30 p.m.

TABLE TO § 165.T01–1057—Continued

	• Location: In the vicinity of Two Bush Island, Stonington, Maine in approximate position: 44°08′57″ N, 068°39′54″ W (NAD 83).
Ellis Short Sand Park Trustee Fireworks	• Event Type: Fireworks Display. • Sponsor: William. Burnham. • Date: July 5, 2013. • Time: 8:30 p.m. to 11:30 p.m. • Location: In the vicinity of York Beach, Maine in approximate position: 43°10′27″ N, 070°36′25″ W (NAD 83).

Dated: May 24, 2013.

B.S. Gilda,

Captain, U.S. Coast Guard, Acting Captain of the Port Sector Northern New England.

[FR Doc. 2013–13757 Filed 6–10–13; 8:45 a.m.]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2013–0394]

Drawbridge Operation Regulation; Elizabeth River, Eastern Branch, Norfolk, VA

AGENCY: Coast Guard, DHS.

ACTION: Notice of deviation from drawbridge regulations.

SUMMARY: The Coast Guard has issued a temporary deviation from the operating schedule that governs the draw of the Norfolk Southern #5 Railroad Bridge, across the Elizabeth River Eastern Branch, mile 1.1, Norfolk, VA. This deviation is necessary to facilitate thermite welding on rail joints on the Norfolk Southern #5 Railroad drawbridge. This temporary deviation allows the drawbridge to remain in the closed to navigation position.

DATES: This deviation is effective from 11 a.m. on July 8, 2013 to 1 p.m. July 16, 2013.

ADDRESSES: The docket for this deviation, [USCG–2013–0394] is available at *http://www.regulations.gov.* Type the docket number in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this deviation. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary deviation, call or email Mr. Jim Rousseau, Bridge Administration Branch Fifth District, Coast Guard; telephone (757) 398–6557, email *James.L.Rousseau2@uscg.mil.* If you have questions on reviewing the docket, call Barbara Hairston, Program Manager, Docket Operations, 202–366–9826.

SUPPLEMENTARY INFORMATION: The Norfolk Southern Corporation, who owns and operates this drawbridge, has requested a temporary deviation from the current operating regulations set out in 33 CFR 117.5 to facilitate thermite welding on the rails.

Under the regular operating schedule, the Norfolk Southern #5 Railroad Bridge, mile 1.1, in Norfolk, VA, the draw must open promptly and fully for the passage of vessels when a request or signal to open is given. The draw normally is open and only closes for train crossings or periodic maintenance. The Norfolk Southern #5 Railroad Bridge, at mile 1.1, across the Elizabeth River (Eastern Branch) in Norfolk, VA, has a vertical clearance in the closed position to vessels of 6 feet above mean high water.

Under this temporary deviation, the drawbridge will be maintained in the closed to navigation position from 11 a.m. to 1 p.m. on July 8, 9, 10, 15 and 16, 2013 the bridge will operate under normal operating schedule at all other times. The bridge normally operates in the open position with several vessels transiting a week and only closes when trains transit. Emergency openings cannot be provided. There are no alternate routes for vessels transiting this section of the Elizabeth River Eastern Branch but vessels may pass before 11 a.m. and after 1 p.m.

The Elizabeth River Eastern Branch is used by a variety of vessels including military, tugs, commercial, and recreational vessels. The Coast Guard has carefully coordinated the restrictions with these waterway users. The Coast Guard will also inform additional waterway users through our Local and Broadcast Notice to Mariners of the closure periods for the bridge so that vessels can arrange their transits to minimize any impacts caused by the temporary deviation. Mariners able to pass under the bridge in the closed position may do so at any time and are advised to proceed with caution.

In accordance with 33 CFR 117.35(e), the drawbridge must return to its regular operating schedule immediately at the end of the designated time period.

This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: May 30, 2013.

Waverly W. Gregory, Jr.,

Bridge Program Manager, Fifth Coast Guard District.

[FR Doc. 2013–13759 Filed 6–10–13; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2013–0411]

Drawbridge Operation Regulation; Middle River, Near Stockton, CA

AGENCY: Coast Guard, DHS.

ACTION: Notice of deviation from drawbridge regulation.

SUMMARY: The Coast Guard has issued a temporary deviation from the operating regulation that governs the Bacon Island Drawbridge across Middle River, mile 8.6, near Stockton, CA. The deviation is to allow San Joaquin County Public Works Department to perform structural maintenance work to the bridge. This deviation allows the bridge to remain in the closed-to-navigation position during the repairs.

DATES: This deviation is effective from 12:01 a.m. on September 30, 2013 to 11:59 p.m. on October 31, 2013.

ADDRESSES: The docket for this deviation, [USCG–2013–0411], is available at *http://www.regulations.gov.* Type the docket number in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this deviation. You may also visit the Docket Management

Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email David H. Sulouff, Chief, Bridge Section, Eleventh Coast Guard District; telephone 510–437–3516, email *David.H.Sulouff@uscg.mil.* If you have questions on viewing the docket, call Barbara Hairston, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION: San Joaquin County Department of Public Works has requested a temporary change to the operation of the Bacon Island Drawbridge, mile 8.6, over Middle River, near Stockton, CA. The drawbridge navigation span provides a vertical clearance of approximately 8 feet above Mean High Water in the closed-to-navigation position. In accordance with 33 CFR 117.171(a), the draw opens on signal from May 15 through September 15 from 9 a.m. to 5 p.m. From September 16 through May 14, the draw opens on signal from 9 a.m. to 5 p.m. from Thursday through Monday. At all other times, the draw shall open on signal if at least 12 hours notice is given to the San Joaquin County Department of Public Works at Stockton. Navigation on the waterway is commercial and recreational.

The drawspan will be secured in the closed-to-navigation position from 12:01 a.m. on September 30, 2013 to 11:59 p.m. on October 31, 2013, due to structural maintenance work in replacing the approach deck slabs. The work will require loss of power to the bridge electrical systems.

This temporary deviation has been coordinated with commercial operators and various marinas. No objections to the proposed temporary deviation were raised. Vessels that can transit the bridge, while in the closed-to-navigation position, may continue to do so at any time.

In accordance with 33 CFR 117.35(e), the drawbridge must return to its regular operating schedule immediately at the end of the designated time period. This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: May 24, 2013.

D. H. Sulouff,

District Bridge Chief, Eleventh Coast Guard District.

[FR Doc. 2013–13762 Filed 6–10–13; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[USCG–2013–0490]

Drawbridge Operation Regulations; Saugatuck River, Westport, CT

AGENCY: Coast Guard, DHS.

ACTION: Notice of temporary deviation from regulations.

SUMMARY: The Commander, First Coast Guard District, has issued a temporary deviation from the regulation governing the operation of the Route 136 Bridge across the Saugatuck River, mile 1.3, at Westport, Connecticut. The deviation is necessary to facilitate emergency repairs. Under this temporary deviation, the bridge owner may require a 24 hour advance notice for bridge openings from June 2, 2013 through July 15, 2013.

DATES: This deviation is effective from June 11, 2013 through July 15, 2013, and has been enforced with actual notice since June 2, 2013.

ADDRESSES: The docket for this deviation, [USCG–2013–0391] is available at *http://www.regulations.gov.* Type the docket number in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this deviation. You may also visit the Docket Management Facility in Room W12–140, on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary deviation, call or email Ms. Judy Leung-Yee, Project Officer, First Coast Guard District, *judy.k.leung-yee@uscg.mil,* or (212) 668–7165. If you have questions on viewing the docket, call Barbara Hairston, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION: The Route 136 Bridge has a vertical clearance of 6 feet at mean high water in the closed position. The existing drawbridge operating regulations are found at 33 CFR 117.221(c).

The bridge owner, Connecticut Department of Transportation, requested a 24 hour advance notice requirement for bridge openings to facilitate emergency repairs to the mechanical and electrical components at the bridge.

The emergency repairs are necessary to repair storm damage from Hurricane Sandy.

Under this temporary deviation at least a 24 hour advance notice shall be required for bridge openings at the Route 136 Bridge, mile 1.3, across the Saugatuck River at Westport, Connecticut, from June 2, 2013 through July 15, 2013.

The Saugatuck River is predominantly a recreational waterway. The bridge rarely opens during the time period this temporary deviation will be in effect.

In accordance with 33 CFR 117.35(e), the bridge must return to its regular operating schedule immediately at the end of the designated repair period. This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: May 30, 2013.

Gary Kassof,

Bridge Program Manager, First Coast Guard District.

[FR Doc. 2013–13755 Filed 6–10–13; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[USCG–2013–0416]

Drawbridge Operation Regulations; Reynolds Channel, Lawrence, NY

AGENCY: Coast Guard, DHS.

ACTION: Notice of temporary deviation from regulations.

SUMMARY: The Commander, First Coast Guard District, has issued a temporary deviation from the regulations governing the operation of the Atlantic Beach Bridge, mile 0.4, across Reynolds Channel, at Lawrence, New York. This temporary deviation authorizes the Atlantic Beach Bridge to operate under an alternate schedule for 176 days, to facilitate electrical and structural rehabilitation at the bridge.

DATES: This deviation is effective from June 9, 2013 through December 1, 2013.

ADDRESSES: Documents mentioned in this preamble as being available in the docket are part of docket USCG–2013–0416 and are available online at *www.regulations.gov,* inserting USCG–2013–0416 in the ''Keyword'' and then clicking ''Search''. They are also available for inspection or copying at the Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m.

and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Ms. Judy Leung-Yee, Project Officer, First Coast Guard District, telephone (212) 668–7165, email *judy.k.leung-yee@uscg.mil.* If you have questions on viewing the docket, call Barbara Hairston, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION: The Atlantic Beach Bridge, across Reynolds Channel, mile 0.4, at Lawrence, New York, has a vertical clearance in the closed position of 25 feet at mean high water and 30 feet at mean low water. The existing drawbridge operation regulations are listed at 33 CFR 117.799(e).

The owner of the bridge, Nassau County Bridge Authority, requested a temporary deviation to facilitate electrical and structural rehabilitation at the bridge.

The waterway has commercial and seasonal recreational vessels of various sizes.

Under this temporary deviation the draw of the Atlantic Beach Bridge at mile 0.4, across Reynolds Channel shall open on signal as follows:

(1) From June 9, 2013 through September 30, 2013, Monday through Friday, the draw may operate a single span on signal, every two hours, on the even hour, between 6 a.m. and 8 p.m. From 8 p.m. through 6 a.m. the draw may operate a single span on signal. On weekends and holidays from Friday at 8 p.m. through Monday at 6 a.m. the bridge shall open both spans every hour on the hour.

(2) From October 1, 2013 through December 1, 2013, the bridge shall operate a single span on signal at 6 a.m., 12 p.m., 4 p.m., and 8 p.m. and at any time between 8 p.m. and 6 a.m. The draw shall open both spans at all times for commercial vessel traffic after at least a 48 hour advance notice is given by calling the number posted at the bridge.

The Coast Guard contacted all known commercial waterway users regarding this deviation and no objections were received.

In accordance with 33 CFR 117.35(e), the bridge must return to its regular operating schedule immediately at the end of the designated time period. This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: June 3, 2013.

Gary Kassof,

Bridge Program Manager, First Coast Guard District.

[FR Doc. 2013–13852 Filed 6–10–13; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2013–0064]

RIN 1625–AA11

Regulated Navigation Area, Gulf of Mexico: Mississippi Canyon Block 20, South of New Orleans, LA; Correction

AGENCY: Coast Guard, DHS.

ACTION: Interim rule and request for comments; correction

SUMMARY: The Coast Guard published an interim rule with request for comments in the **Federal Register** on April 29, 2013 (78 FR 24987), establishing a regulated navigation area in the Gulf of Mexico. That document mistakenly listed incorrect coordinates for the center of that area. This document corrects those coordinates.

DATES: Effective on June 11, 2013. Comments and related material must be received by the Coast Guard on or before June 25, 2013.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander (LCDR) Brandon Sullivan, Coast Guard Sector New Orleans; telephone 504–365–2281, email *Brandon.J.Sullivan@uscg.mil.*

SUPPLEMENTARY INFORMATION:

A. Public Participation and Request for Comments

We encourage you to participate in this rulemaking by submitting comments and related materials. All comments received will be posted without change to *http://www.regulations.gov* and will include any personal information you have provided.

1. Submitting Comments

If you submit a comment, please include the docket number for this rulemaking, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online at *http://www.regulations.gov,* or by fax, mail, or hand delivery, but please use only one of these means. If you submit a comment online, it will be considered received by the Coast Guard when you successfully transmit the comment. If you fax, hand deliver or mail your comment, it will be considered as having been received by the Coast Guard when it is received at the Docket Management Facility. We recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov,* type the docket number in the ''SEARCH'' box and click ''SEARCH.'' Click on ''Submit a Comment'' on the line associated with this rulemaking.

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the Facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period and may change the rule based on your comments.

2. Viewing Comments and Documents

To view comments, as well as documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type the docket number in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rulemaking. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

3. Privacy Act

Anyone can search the electronic form of comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review a Privacy Act notice regarding our public dockets in the January 17, 2008, issue of the **Federal Register** (73 FR 3316).

4. Public Meeting

We do not plan on holding a public meeting, but you may submit a request for one prior to the comment period ending, using one of the methods specified under **ADDRESSES**. Please

explain why you believe a public meeting would be beneficial. If we determine that one would aid in this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register**.

B. Background

On September 16, 2004, a mudslide resulted from Hurricane Ivan's storm surge that toppled the Mississippi Canyon (MC) 20 Platform A. The platform's wells were covered by more than 100-feet of mud and sediment. As a result of structural damage, plumes containing crude oil and gas have been discharging into the Gulf of Mexico, creating a sheen on the surface of the water.

The responsible party for this incident has undertaken an operation to install a containment dome over the affected area, which would catch the oil rising from the sea floor. Many vessels continue to operate in the affected area. Anchoring, mooring, or loitering in the area above the containment dome could potentially damage the dome, or reduce its effectiveness.

C. Need for Correction

The Coast Guard published a document in the **Federal Register** on April 29, 2013, for this Regulated Navigation Area (RNA). (78 FR 24987). As noted in that document, the center of this RNA was established to surround an oil wellhead that was leaking oil after structural damage from a hurricane and mudslide. However, the latitude and longitude of that oil platform were incorrectly noted. The correct center of the regulated navigation area established by the interim rule is 28°56′12.619″ N, 088°58′10.303″ W. This correction revises the latitude and longitude for the center of this RNA to accurately reflect the location of the oil wellhead.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (Water), Reporting and recordkeeping requirements, Security measures, Waterways.

Accordingly, 33 CFR part 165 is amended by making the following correcting amendment:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

■ 1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 46 U.S.C. Chapter 701, 3306, 3703; 50 U.S.C. 191, 195; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Pub. L. 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

§ 165.840 [Amended]

■ 2. In § 165.840, amend paragraph (b) by removing the numerals and characters ''28°52′17″ N 089°10′50″ W'' and by adding, in their place, ''28°56′12.619″ N, 088°58′10.303″ W.''

Dated: May 22, 2013.

T.A. Sokalzuk,

Captain, U.S. Coast Guard, Acting Commander, Eighth Coast Guard District.

[FR Doc. 2013–13845 Filed 6–10–13; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2013–0347]

Safety Zone; San Francisco Independence Day Fireworks Display, San Francisco Bay, San Francisco, CA

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement of regulation.

SUMMARY: The Coast Guard will enforce the safety zones for the San Francisco Independence Day Fireworks Display in the Captain of the Port, San Francisco area of responsibility during the dates and times noted below. This action is necessary to protect life and property of the maritime public from the hazards associated with the fireworks display. During the enforcement period, unauthorized persons or vessels are prohibited from entering into, transiting through, or anchoring in the safety zone, unless authorized by the Patrol Commander (PATCOM).

DATES: The regulations in this notice will be enforced from 9 a.m. on July 3, 2013 through 10:15 p.m. on July 4, 2013.

FOR FURTHER INFORMATION CONTACT: If you have questions on this notice, call or email Lieutenant Junior Grade William Hawn, Sector San Francisco Waterways Safety Division, U.S. Coast Guard; telephone 415–399–7442, email *D11-PF-MarineEvents@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the San Francisco Independence Day Fireworks Display safety zones from 9 a.m. on July 3, 2013 through 10:15 p.m. on July 4, 2013.

For Location 1, during the loading of the fireworks barges, while the barges are being towed to the display location, and until the start of the fireworks display, the safety zone applies to the navigable waters around and under the fireworks barges within a radius of 100 feet. Loading of the pyrotechnics onto the fireworks barges is scheduled to take place from 9 a.m. until 2 p.m. on July 3, 2013, and will take place at Pier 50 in San Francisco, CA. Towing of the barges from Pier 50 to the display location is scheduled to take place from 8 p.m. until 8:45 p.m. on July 4, 2013. During the 25 minute fireworks display, scheduled to take place from 9:30 p.m. until 9:55 p.m. on July 4, 2013, the fireworks barge will be located 1,000 feet off of Pier 39 in approximate position 37°48′49″ N, 122°24′46″ W (NAD 83). Pursuant to 33 CFR 165.1191, Table 1, Item number 8, this safety zone will be in effect from 9 a.m. on July 3, 2013 to 10:15 p.m. on July 4, 2013.

For Location 2, the fireworks will be launched from the San Francisco Municipal Pier. During the 25 minute fireworks display, scheduled to take place from 9:30 p.m. until 9:55 p.m. on July 4, 2013, the safety zone will apply to the navigable waters around and under the fireworks launch site within a radius of 1,000 feet in approximate position 37°48′38″ N, 122°25′28″ W (NAD 83). Pursuant to 33 CFR 165.1191, Table 1, Item number 8, this safety zone will be in effect from 9:30 p.m. to 10:15 p.m. on July 4, 2013. Under the provisions of 33 CFR 165.1191, unauthorized persons or vessels are prohibited from entering into, transiting through, or anchoring in the safety zone during all applicable effective dates and times, unless authorized to do so by the PATCOM. Additionally, each person who receives notice of a lawful order or direction issued by an official patrol vessel shall obey the order or direction. The PATCOM is empowered to forbid entry into and control the regulated area. The PATCOM shall be designated by the Commander, Coast Guard Sector San Francisco. The PATCOM may, upon request, allow the transit of commercial vessels through regulated areas when it is safe to do so. This notice is issued under authority of 33 CFR 165.1191 and 5 U.S.C. 552(a). In addition to this notice in the **Federal Register,** the Coast Guard will provide the maritime community with extensive advance notification of the safety zone and its enforcement period via the Local Notice to Mariners.

If the Captain of the Port determines that the regulated area need not be enforced for the full duration stated in this notice, a Broadcast Notice to Mariners may be used to grant general permission to enter the regulated area.

Dated: May 18, 2013.

Gregory G. Stump,

Captain, U.S. Coast Guard, Captain of the Port San Francisco.

[FR Doc. 2013–13751 Filed 6–10–13; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2013–0271]

Safety Zone; Fourth of July Fireworks, City of Richmond, Richmond Harbor, CA

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement of regulation.

SUMMARY: The Coast Guard will enforce the safety zone for the City of Richmond Fourth of July Fireworks display in the Captain of the Port, San Francisco area of responsibility during the dates and times noted below. This action is necessary to protect life and property of the maritime public from the hazards associated with the fireworks display. During the enforcement period, unauthorized persons or vessels are prohibited from entering into, transiting through, or anchoring in the safety zone, unless authorized by the Patrol Commander (PATCOM).

DATES: The regulations will be enforced from 7 a.m. to 10 p.m. on July 3, 2013.

FOR FURTHER INFORMATION CONTACT: If you have questions on this notice, call or email Lieutenant Junior Grade William Hawn, U.S. Coast Guard Sector San Francisco; telephone (415) 399–7442 or email at *D11-PF-MarineEvents@uscg.mil*.

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce a 100 foot safety zone around the fireworks barge during the loading, transit, and arrival of the fireworks barge to the display location and until the start of the fireworks display. From 7 a.m. until 8 p.m. on July 3, 2013, the fireworks barge will be loading off of Pier 50 in San Francisco, CA in approximate position 37°46′28″ N, 122°23′06″ W (NAD 83). From 8 p.m. to 9 p.m. on July 3, 2013 the loaded barge will transit from Pier 50 to the launch site near Richmond Harbor in approximate position 37°54′41″ N, 122°21′02″ W (NAD 83). Upon the commencement of the 25 minute fireworks display, scheduled to begin at approximately 9:15 p.m. on July 3, 2013, the safety zone will increase in size and encompass the navigable waters around and under the fireworks barge within a radius 1,000 feet in approximate position 37°54′41″ N, 122°21′02″ (NAD 83). Pursuant to 33 CFR 165.1191, Table 1, Item number 11, this safety zone will be in effect from 7 a.m. to 10 p.m. on July 3, 2013.

Under the provisions of 33 CFR 165.1191, unauthorized persons or vessels are prohibited from entering into, transiting through, or anchoring in the safety zone during all applicable effective dates and times, unless authorized to do so by the PATCOM. Additionally, each person who receives notice of a lawful order or direction issued by an official patrol vessel shall obey the order or direction. The PATCOM is empowered to forbid entry into and control the regulated area. The PATCOM shall be designated by the Commander, Coast Guard Sector San Francisco. The PATCOM may, upon request, allow the transit of commercial vessels through regulated areas when it is safe to do so. This notice is issued under authority of 33 CFR 165.1191 and 5 U.S.C. 552 (a).

In addition to this notice in the **Federal Register**, the Coast Guard will provide the maritime community with extensive advance notification of the safety zone and its enforcement period via the Local Notice to Mariners. If the Captain of the Port determines that the regulated area need not be enforced for the full duration stated in this notice, a Broadcast Notice to Mariners may be used to grant general permission to enter the regulated area.

Dated: May 18, 2013.

Gregory G. Stump,

Captain, U.S. Coast Guard, Captain of the Port San Francisco.

[FR Doc. 2013–13752 Filed 6–10–13; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2013–0332]

Safety Zone; Red, White, and Tahoe Blue Fireworks, Incline Village, NV

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement of regulation.

SUMMARY: The Coast Guard will enforce the safety zone for the Red, White, and Tahoe Blue Fireworks display in the Captain of the Port, San Francisco area of responsibility during the dates and times noted below. This action is necessary to protect life and property of the maritime public from the hazards associated with the fireworks display. During the enforcement period, unauthorized persons or vessels are prohibited from entering into, transiting through, or anchoring in the safety zone, unless authorized by the Patrol Commander (PATCOM).

DATES: The regulations in this notice will be enforced from 7 a.m. on June 29, 2013 through 10:45 p.m. on July 4, 2013.

FOR FURTHER INFORMATION CONTACT: If you have questions on this notice, call or email Lieutenant Junior Grade William Hawn, Sector San Francisco Waterways Safety Division, U.S. Coast Guard; telephone 415–399–7442, email *D11-PF-MarineEvents@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce a safety zone in navigable waters around and under the fireworks barges within a radius of 100 feet during the loading, transit, and arrival of the fireworks barges to the display location and until the start of the fireworks display. From 7 a.m. on June 29, 2013 until 8 p.m. on July 4, 2013 the fireworks barges will be loaded off of Incline Beach, near Incline Village, NV at approximate position 39°14′21″ N, 119°56′51″ W (NAD 83). From 8 p.m. to 9 p.m. on July 4, 2013 the loaded barges will transit from Incline Beach to the launch site off of Incline Village, NV at approximate position 39°14′14″ N, 119°56′56″ W (NAD 83), where it will remain until the commencement of the fireworks display. Upon the commencement of the 30 minute fireworks display, scheduled to take place between 9 p.m. and 10 p.m. on July 4, 2013, the safety zone will increase in size to encompass the navigable waters around and under the fireworks barges within a radius 1,000 feet at approximate position 39°14′14″ N, 119°56′56″ W (NAD 83). Pursuant to 33 CFR 165.1191, Table 1, Item number 22, this safety zone will be in effect from 7 a.m. on June 29, 2013 until 10:45 p.m. on July 4, 2013.

Under the provisions of 33 CFR 165.1191, unauthorized persons or vessels are prohibited from entering into, transiting through, or anchoring in the safety zone during all applicable effective dates and times, unless authorized to do so by the PATCOM. Additionally, each person who receives notice of a lawful order or direction issued by an official patrol vessel shall obey the order or direction. The PATCOM is empowered to forbid entry into and control the regulated area. The PATCOM shall be designated by the Commander, Coast Guard Sector San

Francisco. The PATCOM may, upon request, allow the transit of commercial vessels through regulated areas when it is safe to do so. This notice is issued under authority of 33 CFR 165.1191 and 5 U.S.C. 552(a). In addition to this notice in the **Federal Register**, the Coast Guard will provide the maritime community with extensive advance notification of the safety zone and its enforcement period via the Local Notice to Mariners.

If the Captain of the Port determines that the regulated area need not be enforced for the full duration stated in this notice, a Broadcast Notice to Mariners may be used to grant general permission to enter the regulated area.

Dated: May 18, 2013.

Gregory G. Stump,

Captain, U.S. Coast Guard, Captain of the Port San Francisco.

[FR Doc. 2013–13753 Filed 6–10–13; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2013–0337]

Safety Zone; Fourth of July Fireworks, City of Eureka, Humboldt Bay, Eureka, CA

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement of regulation.

SUMMARY: The Coast Guard will enforce the safety zone for the Fourth of July Fireworks, City of Eureka in the Captain of the Port, San Francisco area of responsibility during the dates and times noted below. This action is necessary to protect life and property of the maritime public from the hazards associated with the fireworks display. During the enforcement period, unauthorized persons or vessels are prohibited from entering into, transiting through, or anchoring in the safety zone, unless authorized by the Patrol Commander (PATCOM).

DATES: The regulations this notice will be enforced from 12 p.m. on July 3, 2013 through 10:40 p.m. on July 4, 2013.

FOR FURTHER INFORMATION CONTACT: If you have questions on this notice, call or email Lieutenant Junior Grade William Hawn, Sector San Francisco Waterways Safety Division, U.S. Coast Guard; telephone 415–399–7442, email *D11-PF-MarineEvents@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce a safety zone in navigable waters around and under the fireworks barge within a radius of 100 feet during the loading, transit, and arrival of the fireworks barge to the display location and until the start of the fireworks display. From 12 p.m. on July 3, 2013 until 3 p.m. on July 4, 2013 the fireworks barge will be loaded off of Schneider Dock in Eureka, CA in approximate position 40°47′50″ N, 124°11′11″ W (NAD 83). From 3 p.m. to 4 p.m. on July 4, 2013 the loaded barge will transit from Schneider Dock to the launch site off of Woodley Island near Eureka, CA at approximate position 40°48′29″ N, 124°10′06″ W (NAD 83) where it will remain until the commencement of the fireworks display. Upon the commencement of the 25 minute fireworks display, scheduled to take begin at 10 p.m. on July 4, 2013, the safety zone will increase in size to encompass the navigable waters around and under the fireworks barge within a radius 1,000 feet at approximate position 40°48′29″ N, 124°10′06″ W (NAD 83). Pursuant to 33 CFR 165.1191, Table 1, Item number 3, this safety zone will be in effect from 12 p.m. on July 3, 2013 until 10:40 p.m. on July 4, 2013.

Under the provisions of 33 CFR 165.1191, unauthorized persons or vessels are prohibited from entering into, transiting through, or anchoring in the safety zone during all applicable effective dates and times, unless authorized to do so by the PATCOM. Additionally, each person who receives notice of a lawful order or direction issued by an official patrol vessel shall obey the order or direction. The PATCOM is empowered to forbid entry into and control the regulated area. The PATCOM shall be designated by the Commander, Coast Guard Sector San Francisco. The PATCOM may, upon request, allow the transit of commercial vessels through regulated areas when it is safe to do so.

This notice is issued under authority of 33 CFR 165.1191 and 5 U.S.C. 552(a). In addition to this notice in the **Federal Register**, the Coast Guard will provide the maritime community with extensive advance notification of the safety zone and its enforcement period via the Local Notice to Mariners.

If the Captain of the Port determines that the regulated area need not be enforced for the full duration stated in this notice, a Broadcast Notice to Mariners may be used to grant general permission to enter the regulated area.

Dated: May 18, 2013.

Gregory G. Stump,

Captain, U.S. Coast Guard, Captain of the Port San Francisco.

[FR Doc. 2013–13754 Filed 6–10–13; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF EDUCATION

34 CFR Chapter III

[CFDA Numbers: 84.133E–5; 84.133E–6; 84.133E–7; and 84.133E–8.]

Final Priorities; National Institute on Disability and Rehabilitation Research—Disability and Rehabilitation Research Projects and Centers Program—Rehabilitation Engineering Research Centers

AGENCY: Office of Special Education and Rehabilitative Services, Department of Education.

ACTION: Final priorities.

SUMMARY: The Assistant Secretary for Special Education and Rehabilitative Services announces priorities under the Disability and Rehabilitation Research Projects and Centers Program administered by the National Institute on Disability and Rehabilitation Research (NIDRR). Specifically, we announce priorities for a Rehabilitation Engineering Research Center (RERC) on Rehabilitation Strategies, Techniques, and Interventions (Priority 1), Information and Communication Technologies Access (Priority 2), Individual Mobility and Manipulation (Priority 3), and Physical Access and Transportation (Priority 4). The Assistant Secretary may use one or more of these priorities for competitions in fiscal year (FY) 2013 and later years. We take this action to focus research attention on areas of national need. We intend these priorities to improve community living and participation, health and function, and employment outcomes of individuals with disabilities.

DATES: *Effective Date:* These priorities are effective July 11, 2013.

FOR FURTHER INFORMATION CONTACT: Marlene Spencer, U.S. Department of Education, 400 Maryland Avenue SW., room 5133, Potomac Center Plaza (PCP), Washington, DC 20202–2700. Telephone: (202) 245–7532 or by email: *marlene.spencer@ed.gov*.

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay Service (FRS), toll free, at 1–800–877–8339.

SUPPLEMENTARY INFORMATION:

Purpose of Program: The purpose of the Disability and Rehabilitation Research Projects and Centers Program is to plan and conduct research, demonstration projects, training, and related activities, including international activities, to develop methods, procedures, and rehabilitation technology that maximize the full inclusion and integration into society, employment, independent living, family support, and economic and social self-sufficiency of individuals with disabilities, especially individuals with the most severe disabilities, and to improve the effectiveness of services authorized under the Rehabilitation Act of 1973, as amended (Rehabilitation Act).

Rehabilitation Engineering Research Centers Program

The purpose of NIDRR's RERCs program, which is funded through the Disability and Rehabilitation Research Projects and Centers Program, is to improve the effectiveness of services authorized under the Rehabilitation Act. It does so by conducting advanced engineering research, developing and evaluating innovative technologies, facilitating service delivery system changes, stimulating the production and distribution of new technologies and equipment in the private sector, and providing training opportunities. RERCs seek to solve rehabilitation problems and remove environmental barriers to improvements in employment, community living and participation, and health and function outcomes of individuals with disabilities.

The general requirements for RERCs are set out in subpart D of 34 CFR part 350 (What Rehabilitation Engineering Research Centers Does the Secretary Assist?).

Additional information on the RERCs program can be found at: *www.ed.gov/rschstat/research/pubs/index.html.*

Program Authority: 29 U.S.C. 762(g) and 764(b)(3)(A).

Applicable Program Regulations: 34 CFR part 350.

We published a notice of proposed priorities for this program in the **Federal Register** on March 8, 2013 (78 FR 14947). That notice contained background information and our reasons for proposing these particular priorities.

There are differences between the proposed priorities and the final priorities as discussed in the *Analysis of Comments and Changes* section.

Public Comment: In response to our invitation in the notice of proposed priorities, 13 parties submitted comments on the proposed priorities.

We group issues according to the priority or priorities to which they pertain. Generally, we do not address technical and other minor changes or suggested changes the law does not authorize us to make under the applicable statutory authority. In addition, we generally do not address comments that raise concerns not directly related to the proposed priorities.

Analysis of Comments and Changes: An analysis of the comments and changes in the priorities since publication of the notice of proposed priorities follows.

RERC on Rehabilitation Strategies, Techniques, and Interventions (Priority 1)

Comment: Eight commenters noted that this priority includes ''communication aids'' as one among many potential topics for research and development. Each of these commenters described the need for continued research and development on communication enhancement and augmentative and alternative communication interventions. These commenters noted that additional research is specifically needed to develop better measures of outcomes for communication enhancement treatments and interventions. These commenters requested that NIDRR create a priority for an RERC that is dedicated specifically to communication enhancement.

Discussion: NIDRR acknowledges the importance of communication enhancement technologies and augmentative and alternative communication interventions. The priority is intended to be broad enough to allow applicants to submit proposals for an RERC on communication enhancement and augmentative and alternative communication interventions, as well as on other important topics. As discussed in NIDRR's Long-Range Plan for Fiscal Years 2013–2017 (78 FR 20299) (Plan), NIDRR seeks to generate more field-initiated grant opportunities. With the priorities established in this notice, we encourage RERC applicants to propose and justify research and development across a wide range of potential topics in the broad area of rehabilitation strategies, techniques, and interventions. As described in our Plan, NIDRR anticipates holding grant competitions on a regular basis in this and the three other broad rehabilitation engineering areas described in this notice. Through this process, NIDRR aims to increase competition for RERC grants and to draw upon the field's expertise, knowledge, and creativity to optimize the quality and relevance of the rehabilitation engineering research and development that NIDRR funds.

Changes: None.

RERC on Information and Communication Technologies (Priority 2)

Comment: Two commenters noted that this priority focuses primarily on the accessibility of information and communication technologies (ICT) and suggested that the title of this priority reflect this focus on access.

Discussion: NIDRR agrees that the title of this priority should be changed to reflect that the priority's focus on ICT accessibility.

Changes: NIDRR has revised the title of this priority to ''RERC on Information and Communication Technologies Access.''

RERC on Individual Mobility and Manipulation (Priority 3)

Comment: One commenter suggested that this priority focus on the engineering of low-cost, high-quality products that enhance the ability of individuals with disabilities to perform activities of daily living and to be more independent. The commenter suggested that the products generated by the RERC be adjustable, lightweight, durable, user-friendly, and low maintenance.

Discussion: NIDRR generally agrees with the comments about the importance of developing products that are adjustable, lightweight, durable, user-friendly, and low maintenance. At the same time, we recognize that achieving all of these qualities may not be feasible, depending on the intended use of the product and its target population or on the stage of research and development in a particular rehabilitation engineering subfield. Nothing in the priority precludes applicants from proposing research and development projects that focus on the design qualities identified by the commenter. However, we do not want to discourage important, innovative, or new research and development activities by requiring these design qualities in each of the products to be developed by this RERC. The peer review process will determine the merits of each proposal.

Changes: None.

RERC on Physical Access and Transportation (Priority 4)

NIDRR did not receive comments on this priority.

Comments Applicable to All Four Priorities

Comment: Two commenters suggested that NIDRR require applicants under each of the priorities to address the ''stages of research'' and the ''stages of development'' that are described in NIDRR's Plan.

Discussion: RERC grantees conduct both research and development projects. As discussed in the Plan, NIDRR is working with stakeholders to develop ''stages of development'' comparable to its ''stages of research'' for use by applicants and grantees. Because research and development tend to be interwoven in the RERCs program, we believe it would be premature to require applicants to identify their stages of research until we have developed the stages of development and clarified the interaction between the two. Once NIDRR completes this process, we anticipate requiring identification of stages of research and stages of development in RERC grant applications.

Changes: None.

Final Priorities

Priority 1—RERC on Rehabilitation Strategies, Techniques, and Interventions.

Under this priority, the RERC must research, develop, and evaluate innovative technologies and strategies that will result in new or improved products, devices, and technological advances that are integrated into rehabilitation services in clinical or community settings. The RERC must be designed to improve outcomes of individuals with disabilities in one or more of the following domains: Employment, community living and participation, or health and function. Research and development topics under this priority may include but are not limited to: Virtual reality; therapy robots; telerehabilitation; recreational technology; health-related products and equipment; and cognitive, sensory, and communication aids.

Proposed Priority 2—RERC on Information and Communication Technologies Access.

Under this priority, the RERC must research, develop, and evaluate innovative technologies and strategies that will optimize accessibility and usability of one or more of the following: Telecommunications products; wireless technologies; technology interfaces; computer systems; software; and networks for individuals with disabilities. The RERC must be designed to improve outcomes of individuals with disabilities in one or more of the following domains: Employment, community living and participation, or health and function. Research and development topics under this priority may include but are not limited to: Telecommunication access in emergency situations; interoperability between current and next-generation telecommunication access; access to and use of wireless technologies; universal design approaches in future generations of wireless technologies; and accessibility of information technologies and electronic products by people with disabilities.

Proposed Priority 3—RERC on Individual Mobility and Manipulation.

Under this priority, the RERC must research, develop, and evaluate innovative technologies and strategies that will result in new or improved products, devices, or technological advances that allow individuals with disabilities to be more mobile and to manipulate their environments more efficiently and effectively. The RERC must be designed to improve outcomes of individuals with disabilities in one or more of the following domains: Employment, community living and participation, or health and function. Research and development topics under this priority may include but are not limited to: Equipment for personal mobility; assistive technology for manipulation; and prosthetics and orthotics.

Proposed Priority 4—RERC on Physical Access and Transportation.

Under this priority, the RERC must research, develop, and evaluate innovative technologies and strategies that will result in one or more of the following: The continued promotion of universal design and the planning of accessible buildings, homes, parks, neighborhoods, and cities, or the accessibility and safety of transportation options. The RERC must be designed to improve outcomes of individuals with disabilities in one or more of the following domains: Employment, community living and participation, or health and function. Research and development topics under this priority may include but are not limited to: Design and modification of the built environment; and the accessibility, safety, affordability, and independent use of transportation options (including public transportation, commercial transportation, and personal vehicles).

Requirements Applicable to All Four Proposed Priorities

Under each priority, the RERC must be designed to contribute to the following outcomes:

(1) Increased technical and scientific knowledge relevant to its research area. The RERC must contribute to this outcome by conducting high-quality, rigorous research and development projects.

(2) Increased innovation in technologies, products, environments, performance guidelines, and monitoring and assessment tools applicable to its research area. The RERC must contribute to this outcome through the development and testing of these innovations.

(3) Improved research capacity in its research area. The RERC must contribute to this outcome by collaborating with the relevant industry, professional associations, institutions of higher education, health care providers, or educators, as appropriate.

(4) Improved usability and accessibility of products and environments in its research area. The RERC must contribute to this outcome by emphasizing the principles of universal design in its product research and development. For this purpose, ''universal design'' means the design of products and environments to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design.

(5) Improved awareness and understanding of cutting-edge developments in technologies within its research area. The RERC must contribute to this outcome by identifying and communicating with relevant stakeholders, including NIDRR, individuals with disabilities, their representatives, disability organizations, service providers, professional journals, manufacturers, and other interested parties regarding trends and evolving product concepts related to its research area.

(6) Increased dissemination of research in the research area. The RERC must contribute to this outcome by providing technical assistance to relevant public and private organizations, individuals with disabilities, employers, and schools on policies, guidelines, and standards related to its research area.

(7) Increased transfer of RERC-developed technologies to the marketplace. The RERC must contribute to this outcome by developing and implementing a plan for ensuring that all technologies developed by the RERC are made available to the public. The technology transfer plan must be developed in the first year of the project period in consultation with the NIDRR-funded Disability Rehabilitation Research Project, Center on Knowledge Translation for Technology Transfer.

In addition, under each priority, the RERC must—

- Have the capability to design, build, and test prototype devices and assist in the technology transfer and knowledge translation of successful solutions to relevant production and service delivery settings;
- Evaluate the efficacy and safety of its new products, instrumentation, or assistive devices;
- Provide as part of its proposal, and then implement, a plan that describes how it will include, as appropriate, individuals with disabilities or their representatives in all phases of its activities, including research, development, training, dissemination, and evaluation;
- Provide as part of its proposal, and then implement, a plan to disseminate its research results to individuals with disabilities and their representatives; disability organizations; service providers; professional journals; manufacturers; and other interested parties. In meeting this requirement, each RERC may use a variety of mechanisms to disseminate information, including state-of-the-science conferences, webinars, Web sites, and other dissemination methods; and
- Coordinate research projects of mutual interest with relevant NIDRR-funded projects, as identified through consultation with the NIDRR project officer.

Types of Priorities

When inviting applications for a competition using one or more priorities, we designate the type of each priority as absolute, competitive preference, or invitational through a notice in the **Federal Register**. The effect of each type of priority follows:

Absolute priority: Under an absolute priority, we consider only applications that meet the priority (34 CFR 75.105(c)(3)).

Competitive preference priority: Under a competitive preference priority, we give competitive preference to an application by (1) awarding additional points, depending on the extent to which the application meets the priority (34 CFR 75.105(c)(2)(i)); or (2) selecting an application that meets the priority over an application of comparable merit that does not meet the priority (34 CFR 75.105(c)(2)(ii)).

Invitational priority: Under an invitational priority, we are particularly interested in applications that meet the priority. However, we do not give an application that meets the priority a preference over other applications (34 CFR 75.105(c)(1)).

This notice does not preclude us from proposing additional priorities, requirements, definitions, or selection criteria, subject to meeting applicable rulemaking requirements.

Note: This notice does *not* solicit applications. In any year in which we choose to use one or more of these priorities, we invite applications through a notice in the **Federal Register**.

Executive Orders 12866 and 13563

Regulatory Impact Analysis

Under Executive Order 12866, the Secretary must determine whether this regulatory action is ''significant'' and, therefore, subject to the requirements of the Executive order and subject to review by the Office of Management and Budget (OMB). Section 3(f) of Executive Order 12866 defines a ''significant regulatory action'' as an action likely to result in a rule that may—

(1) Have an annual effect on the economy of $100 million or more, or adversely affect a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities in a material way (also referred to as an ''economically significant'' rule);

(2) Create serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impacts of entitlement grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles stated in the Executive order.

This final regulatory action is not a significant regulatory action subject to review by OMB under section 3(f) of Executive Order 12866.

We have also reviewed this final regulatory action under Executive Order 13563, which supplements and explicitly reaffirms the principles, structures, and definitions governing regulatory review established in Executive Order 12866. To the extent permitted by law, Executive Order 13563 requires that an agency—

(1) Propose or adopt regulations only upon a reasoned determination that their benefits justify their costs (recognizing that some benefits and costs are difficult to quantify);

(2) Tailor its regulations to impose the least burden on society, consistent with obtaining regulatory objectives and taking into account—among other things and to the extent practicable—the costs of cumulative regulations;

(3) In choosing among alternative regulatory approaches, select those approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity);

(4) To the extent feasible, specify performance objectives, rather than the behavior or manner of compliance a regulated entity must adopt; and

(5) Identify and assess available alternatives to direct regulation, including economic incentives—such as user fees or marketable permits—to encourage the desired behavior, or provide information that enables the public to make choices.

Executive Order 13563 also requires an agency ''to use the best available techniques to quantify anticipated present and future benefits and costs as accurately as possible.'' The Office of Information and Regulatory Affairs of OMB has emphasized that these techniques may include ''identifying changing future compliance costs that might result from technological innovation or anticipated behavioral changes.''

We are issuing these final priorities only on a reasoned determination that their benefits justify their costs. In choosing among alternative regulatory approaches, we selected those approaches that maximize net benefits. Based on the analysis that follows, the Department believes that this regulatory action is consistent with the principles in Executive Order 13563.

We also have determined that this regulatory action does not unduly interfere with State, local, and tribal governments in the exercise of their governmental functions.

In accordance with both Executive orders, the Department has assessed the potential costs and benefits, both quantitative and qualitative, of this regulatory action. The potential costs are those resulting from statutory requirements and those we have determined as necessary for administering the Department's programs and activities.

The benefits of the Disability and Rehabilitation Research Projects and Centers Program have been well established over the years, as projects similar to the RERCs have been completed successfully. Establishing new RERCs based on the final priorities will generate new knowledge through research and development and improve the lives of individuals with disabilities. The new RERCs will provide support and assistance for NIDRR grantees as they generate, disseminate, and promote the use of new information that will

improve the options for individuals with disabilities to perform regular activities of their choice in the community.

Accessible Format: Individuals with disabilities can obtain this document in an accessible format (e.g., braille, large print, audiotape, or compact disc) on request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available via the Federal Digital System at: *www.gpo.gov/fdsys.* At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at: *www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Dated: June 6, 2013.

Michael K. Yudin,

Delegated the authority to perform the functions and duties of the Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 2013–13851 Filed 6–10–13; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

34 CFR Chapter III

[CFDA Number: 84.133P–1.]

Final Priority; National Institute on Disability and Rehabilitation Research—Advanced Rehabilitation Research Training Program

AGENCY: Office of Special Education and Rehabilitative Services, Department of Education.

ACTION: Final priority.

SUMMARY: The Assistant Secretary for Special Education and Rehabilitative Services announces a priority for the Advanced Rehabilitation Research Training (ARRT) program under the Disability and Rehabilitation Research Projects and Centers Program administered by the National Institute on Disability and Rehabilitation Research (NIDRR). The Assistant Secretary may use this priority for competitions in fiscal year (FY) 2013 and later years. We take this action to ensure that NIDRR's resources are appropriately allocated across the three outcome domains—community living and participation, employment, and health and function. We intend this priority to (1) strengthen the capacity of the disability and rehabilitation field to train qualified individuals, including individuals with disabilities, to conduct high-quality, advanced multidisciplinary rehabilitation research; and (2) improve outcomes for individuals with disabilities across the domains of community living and participation, employment, and health and function.

DATES: *Effective Date:* This priority is effective July 11, 2013.

FOR FURTHER INFORMATION CONTACT: Marlene Spencer, U.S. Department of Education, 400 Maryland Avenue SW., Room 5133, Potomac Center Plaza (PCP), Washington, DC 20202–2700. Telephone: (202) 245–7532 or by email: *marlene.spencer@ed.gov.*

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay Service (FRS), toll free, at 1–800–877–8339.

SUPPLEMENTARY INFORMATION:

Purpose of Program: The purpose of the Disability and Rehabilitation Research Projects and Centers Program is to plan and conduct research, demonstration projects, training, and related activities, including international activities, to develop methods, procedures, and rehabilitation technology that maximize the full inclusion and integration into society, employment, independent living, family support, and economic and social self-sufficiency of individuals with disabilities, especially individuals with the most severe disabilities, and to improve the effectiveness of services authorized under the Rehabilitation Act of 1973, as amended (Rehabilitation Act).

Advanced Rehabilitation Research Training

The purpose of NIDRR's ARRT program, which is funded through the Disability and Rehabilitation Research Projects and Centers Program, is to provide advanced research training and experience to individuals with doctorates, or similar advanced degrees, who have clinical or other relevant experience. ARRT projects train rehabilitation researchers, including researchers with disabilities, with particular attention to research areas that support the implementation and objectives of the Rehabilitation Act, and that improve the effectiveness of services authorized under the Rehabilitation Act.

Additional information on the ARRT program can be found at: *www.ed.gov/rschstat/research/pubs/res-program.html#ARRT.*

Program Authority: 29 U.S.C. 762(g) and 764(a).

Applicable Program Regulations: 34 CFR part 350.

We published a notice of proposed priority for this program in the **Federal Register** on March 28, 2013 (78 FR 18933). That notice contained our reasons for proposing the particular priority and background information, including on NIDRR's major domains as discussed in NIDRR's Long-Range Plan for Fiscal Years 2013–2017 (78 FR 20299).

Public Comment: In response to our invitation in the notice of proposed priority, we received two comments, but neither was specific to the proposed ARRT priority. We do not address general comments that raised concerns not directly related to the proposed priority. There are no differences between the proposed priority and this final priority.

Final Priority

Advanced Rehabilitation Research Training Program

The Assistant Secretary for Special Education and Rehabilitative Services announces a new priority for the Advanced Rehabilitation Research Training (ARRT) program. For FY 2013, and potential subsequent years, ARRT projects must provide advanced research training to eligible individuals to enhance their capacity to conduct high-quality multidisciplinary rehabilitation and disability research to improve outcomes for individuals with disabilities in one of NIDRR's major domains of individual well-being: (a) Community living and participation, (b) employment, or (c) health and function.

Types of Priorities

When inviting applications for a competition using one or more priorities, we designate the type of each priority as absolute, competitive preference, or invitational through a notice in the **Federal Register**. The effect of each type of priority follows:

Absolute priority: Under an absolute priority, we consider only applications that meet the priority (34 CFR 75.105(c)(3)).

Competitive preference priority: Under a competitive preference priority,

we give competitive preference to an application by (1) awarding additional points, depending on the extent to which the application meets the priority (34 CFR 75.105(c)(2)(i)); or (2) selecting an application that meets the priority over an application of comparable merit that does not meet the priority (34 CFR 75.105(c)(2)(ii)).

Invitational priority: Under an invitational priority, we are particularly interested in applications that meet the priority. However, we do not give an application that meets the priority a preference over other applications (34 CFR 75.105(c)(1)).

This notice does not preclude us from proposing additional priorities, requirements, definitions, or selection criteria, subject to meeting applicable rulemaking requirements.

Note: This notice does *not* solicit applications. In any year in which we choose to use this priority, we invite applications through a notice in the **Federal Register**.

Executive Orders 12866 and 13563

Regulatory Impact Analysis

Under Executive Order 12866, the Secretary must determine whether this regulatory action is ''significant'' and, therefore, subject to the requirements of the Executive order and subject to review by the Office of Management and Budget (OMB). Section 3(f) of Executive Order 12866 defines a ''significant regulatory action'' as an action likely to result in a rule that may—

(1) Have an annual effect on the economy of $100 million or more, or adversely affect a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities in a material way (also referred to as an ''economically significant'' rule);

(2) Create serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impacts of entitlement grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles stated in the Executive order.

This final regulatory action is not a significant regulatory action subject to review by OMB under section 3(f) of Executive Order 12866.

We have also reviewed this regulatory action under Executive Order 13563, which supplements and explicitly reaffirms the principles, structures, and definitions governing regulatory review established in Executive Order 12866. To the extent permitted by law, Executive Order 13563 requires that an agency—

(1) Propose or adopt regulations only upon a reasoned determination that their benefits justify their costs (recognizing that some benefits and costs are difficult to quantify);

(2) Tailor its regulations to impose the least burden on society, consistent with obtaining regulatory objectives and taking into account—among other things and to the extent practicable—the costs of cumulative regulations;

(3) In choosing among alternative regulatory approaches, select those approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity);

(4) To the extent feasible, specify performance objectives, rather than the behavior or manner of compliance a regulated entity must adopt; and

(5) Identify and assess available alternatives to direct regulation, including economic incentives—such as user fees or marketable permits—to encourage the desired behavior, or provide information that enables the public to make choices.

Executive Order 13563 also requires an agency ''to use the best available techniques to quantify anticipated present and future benefits and costs as accurately as possible.'' The Office of Information and Regulatory Affairs of OMB has emphasized that these techniques may include ''identifying changing future compliance costs that might result from technological innovation or anticipated behavioral changes.''

We are issuing this final priority only upon a reasoned determination that its benefits would justify its costs. In choosing among alternative regulatory approaches, we selected those approaches that would maximize net benefits. Based on the analysis that follows, the Department believes that this regulatory action is consistent with the principles in Executive Order 13563.

We also have determined that this regulatory action would not unduly interfere with State, local, and tribal governments in the exercise of their governmental functions.

In accordance with both Executive orders, the Department has assessed the potential costs and benefits, both quantitative and qualitative, of this regulatory action. The potential costs are those resulting from statutory requirements and those we have determined as necessary for administering the Department's programs and activities.

The benefits of the Disability and Rehabilitation Research Projects and Centers Programs have been well established over the years, as projects similar to the one envisioned by the final priority have been completed successfully. Establishing new ARRT projects based on the final priority would strengthen the capacity of the rehabilitation and disability field to train qualified individuals, including individuals with disabilities, to conduct high-quality, advanced multidisciplinary research across all of NIDRR's major domains of community living and participation, employment, and health and function, and thereby contribute to advancing knowledge and solving problems encountered by individuals with disabilities of all ages.

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You may also access documents of the Department published in the **Federal Register** by using the article search feature at: *www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Dated: June 6, 2013.

Michael K. Yudin,

Delegated the authority to perform the functions and the duties of the Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 2013–13861 Filed 6–10–13; 8:45 am]

BILLING CODE 4000–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R05–OAR–2012–0969; FRL–9821–3]

Approval and Promulgation of Air Quality Implementation Plans; Ohio; 1997 8-Hour Ozone Maintenance Plan Revision; Motor Vehicle Emissions Budgets for the Ohio Portion of the Wheeling Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: Under the Clean Air Act (CAA), EPA is approving the request by Ohio to revise the 1997 8-hour ozone maintenance air quality State Implementation Plan (SIP) to replace motor vehicle emissions budgets (budgets) for the Ohio portion of the Wheeling, West Virginia-Ohio area with budgets developed using EPA's Motor Vehicle Emissions Simulator (MOVES) emissions model. Ohio submitted the SIP revision request to EPA on December 7, 2012.

DATES: This direct final rule will be effective August 12, 2013, unless EPA receives adverse comments by July 11, 2013. If adverse comments are received, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** informing the public that the rule will not take effect.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R05–OAR–2012–0969, by one of the following methods:

1. *www.regulations.gov:* Follow the on-line instructions for submitting comments.
2. *Email: blakley.pamela@epa.gov.*
3. *Fax:* (312) 692–2450.
4. *Mail:* Pamela Blakley, Chief, Control Strategies Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.
5. *Hand Delivery:* Pamela Blakley, Chief, Control Strategies Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604. Such deliveries are only accepted during the Regional Office normal hours of operation, and special arrangements should be made for deliveries of boxed information. The Regional Office official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding Federal holidays.

Instructions: Direct your comments to Docket ID No. EPA–R05–OAR–2012–0969. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *www.regulations.gov* or email. The *www.regulations.gov* Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through *www.regulations.gov* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: All documents in the docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy at the Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. This facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays. We recommend that you telephone Anthony Maietta, Environmental Protection Specialist, at (312) 353–8777 before visiting the Region 5 office.

FOR FURTHER INFORMATION CONTACT: Anthony Maietta, Environmental Protection Specialist, Control Strategies Section, Air Programs Branch (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 353–8777, *maietta.anthony@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document whenever ''we,'' ''us,'' or ''our'' is used, we mean EPA. This supplementary information section is arranged as follows:

I. What is EPA approving?

EPA is approving new MOVES2010a-based budgets for the Ohio portion of the Wheeling, West Virginia-Ohio 1997 8-hour ozone maintenance area that will replace MOBILE-based budgets in the SIP. The Ohio portion of the Wheeling, West Virginia-Ohio area was redesignated to attainment of the 1997 8-hour ozone standard effective June 15, 2007 (72 FR 27644). MOBILE6.2-based budgets for the Ohio portion of the area were approved in that action. Upon the effective date of approval of the MOVES-based budgets, they must then be used in future transportation conformity analyses for the Ohio portion of the area as required by section 176(c) of the CAA. See the official release of the MOVES2010 emissions model (75 FR 9411–9414) for background, and section II. (c) below for details.

II. What is the background for this action?

a. SIP Budgets and Transportation Conformity

Under the CAA, states are required to submit control strategy SIP revisions and maintenance plans for nonattainment and maintenance areas for a given National Ambient Air Quality Standard (NAAQS). These SIP revisions and maintenance plans include budgets of on-road mobile source emissions for criteria pollutants, including precursors. Transportation plans and projects ''conform'' to (i.e., are consistent with) the SIP when they will not cause or contribute to air quality violations, or delay timely attainment of the NAAQS.

b. Prior Approval of Budgets

EPA previously approved MOBILE6.2-based volatile organic compounds (VOCs) and nitrogen oxides (NO_X) budgets for the Ohio portion of the Wheeling, West Virginia-Ohio nonattainment area. The area's ozone maintenance plan established 2009 and 2018 budgets that demonstrated a reduction in emissions from the monitored attainment year of 2004.

c. The MOVES Emissions Model

The MOVES model is EPA's state of the art tool for estimating highway emissions. EPA announced the release of MOVES2010 on March 2, 2010 (75 FR 9411). Use of the MOVES model is required for regional emissions analyses for transportation conformity determinations outside of California that begin after March 2, 2013.

MOVES2010a was used to estimate emissions in the Ohio portion of the Wheeling, West Virginia-Ohio area for the same milestone years as the original budgets in the SIP. The Ohio Environmental Protection Agency (OEPA) is revising the budgets using the latest planning assumptions, including population and employment updates. In addition, newer vehicle registration data has been used to update the age distribution of the vehicle fleet. Updating the budgets with MOVES2010a allows the area to continue to show conformity to the SIP in plans, transportation improvement programs, and projects. The interagency consultation group has had extensive consultation on the requirements and need for new budgets.

d. Submission of New Budgets Based on MOVES2010a

On December 7, 2012, OEPA submitted final budgets based on MOVES2010a that cover the Ohio portion of the Wheeling area. Ohio received no comments during the public review and comment period.

The new MOVES2010a based budgets are for the years 2009 and 2018, for both VOCs and NO_X, and are detailed in table 3 of this notice. Ohio has also provided emissions per sector, including mobile emissions based on MOVES2010a, for the 2004 attainment year, the 2009 interim budget year, and the 2018 maintenance year. The emissions reduction from all sectors between the years 2004 and 2018 is also shown. Emissions per sector and the combined emissions reduction for VOC and NO_X for the Ohio portion of the Wheeling, West Virginia-Ohio area are shown in tables 1 and 2. In tables 1 and 2, for on-road emissions of both VOC and NO_X for the years 2009 and 2018, a 25% safety margin has been applied.[1]

TABLE 1—TOTAL VOC EMISSIONS WITH MOVES2010a MOBILE EMISSIONS IN THE OHIO PORTION OF WHEELING, WEST VIRGINIA-OHIO AREA (BELMONT COUNTY, OHIO)

[Tons per day]

Sector	2004 Attainment	2009 Interim	2018 Maintenance	Combined emissions reduction (2004–2018)
Point	0.20	0.15	0.21	
Area	4.03	3.85	3.86	
On-road Mobile	5.04	4.70	2.15	
Non-road Mobile	0.93	0.81	0.61	
Total	10.20	9.51	6.83	3.37

TABLE 2—TOTAL NO_X EMISSIONS WITH MOVES2010a MOBILE EMISSIONS IN THE OHIO PORTION OF WHEELING WEST VIRGINIA-OHIO AREA (BELMONT COUNTY, OH)

[Tons per day]

Sector	2004 Attainment	2009 Interim	2018 Maintenance	Combined emissions reduction (2004–2018)
Point	28.69	21.04	18.93	
Area	0.29	0.36	0.38	
On-road Mobile	13.98	13.30	5.18	
Non-road Mobile	2.89	2.54	1.91	
Total	45.85	37.24	26.40	19.46

The Belmont-Ohio Marshall Regional Council Metropolitan Planning Organization has added a safety margin that is only a portion of the attainment margin available for NO_X and VOCs to the budgets for 2009 and 2018. As shown in tables 1 and 2, the submittal demonstrates how the area's emissions decline from the attainment year of 2004 to maintain the 1997 8-hour ozone standard.

No additional control measures were needed to maintain the 1997 ozone standard in the Wheeling, West Virginia-Ohio area. Further, Ohio's submittal contains an approach where Ohio and West Virginia maintain conformity with separate budgets for their respective portions of the area. The net result of these approaches will be a total emissions level for the Wheeling area that is expected to provide for the area's continued attainment. An appropriate safety margin for NO_X and VOCs was established by the interagency consultation group, which consists of representatives from the

[1] The safety margin is applied by adding a certain percentage of emissions, in tons per day, onto the MOVES-based on-road emissions budgets. In this case, Ohio chose to add a 25% safety margin to their budgets. The safety margin cannot exceed the combined emissions reduction for the area.

Federal Highway Administration, OEPA, Ohio Department of Transportation, and EPA. The submitted budgets for the Ohio portion of the Wheeling, West Virginia-Ohio area are shown in table 3 below.

III. What are the criteria for approval?

EPA requires that revisions to existing SIPs and budgets continue to meet applicable requirements (e.g., reasonable further progress, attainment, or maintenance). The SIP must also meet any applicable SIP requirements under CAA section 110. In addition, adequacy criteria found at 40 CFR 93.118(e)(4) must be satisfied before EPA can find submitted budgets adequate and approve them for conformity purposes.

Areas can revise their budgets and inventories using MOVES without revising their entire SIP if (1) the SIP continues to meet applicable requirements when the previous motor vehicle emissions inventories are replaced with MOVES base year and milestone, attainment, or maintenance year inventories, and (2) the state can document that growth and control strategy assumptions for non-motor vehicle sources continue to be valid and any minor updates do not change the overall conclusions of the SIP. For more information, see EPA's latest ''Policy Guidance on the Use of MOVES2010 for SIP Development, Transportation Conformity, and Other Purposes'' (April 2012), available online at: *www.epa.gov/otaq/stateresources/transconf/policy.htm#models.* Ohio's December 7, 2012, submittal meets this requirement as described in the next section.

IV. What is EPA's analysis of the state's submittal?

a. The Revised Inventories

The December 7, 2012, SIP revision request for the Ohio portion of the Wheeling, West Virginia-Ohio 1997 ozone maintenance plan seeks to revise only the on-road mobile source inventories. OEPA has certified that the control strategies remain the same as in the original SIP, and that no other control strategies are necessary. OEPA also finds that growth and control strategy assumptions for non-mobile sources (i.e., area, non-road, and point) have not changed significantly from the original submittal. This is supported by the monitoring data for the Wheeling area, which continues to monitor attainment for the 1997 8-hour ozone standard.

OEPA's submittal affirms that the total emissions in the revised SIP (which includes MOVES2010a emissions from mobile sources) as shown in tables 1 and 2 demonstrate that emissions in the Wheeling, Ohio area continue to decline and remain below the attainment levels.

Ohio has submitted MOVES2010a-based budgets for the Wheeling, Ohio area that are clearly identified in the submittal. The budgets are displayed in table 3.

TABLE 3—MOTOR VEHICLE EMISSION BUDGETS (MOVES) FOR THE OHIO PORTION OF THE WHEELING, WEST VIRGINIA-OHIO AREA (BELMONT COUNTY, OHIO)

[Tons per day]

Year	2009	2018
VOC	4.70	2.15
NO_X	13.30	5.18

b. Approvability of the MOVES2010a-Based Budgets

EPA is approving the MOVES2010a-based budgets submitted by Ohio for use in determining transportation conformity in the Wheeling, Ohio 1997 ozone maintenance area. EPA evaluated the MOVES-based budgets submitted on December 7, 2012, using the adequacy criteria found in 40 CFR 93.118(e)(4) and our in-depth evaluation of the state's submittal and SIP requirements.

Before submitting the revised budgets, OEPA has shown that it followed all necessary conformity procedures. The budgets are clearly identified and precisely quantified in the submittal. The budgets, when considered with other emissions sources, are consistent with continued maintenance of the 1997 ozone standard. The budgets are clearly related to the emissions inventory and control measures in the SIP. The changes from the previous budgets are clearly explained with the change in the model from MOBILE6.2 to MOVES2010a and the revised and updated planning assumptions. The inputs to the model are detailed in the appendix to the submittal. EPA has reviewed the inputs to the MOVES2010a modeling and participated in the consultation process. The Federal Highway Administration and the Ohio Department of Transportation have taken a lead role in working with the Belmont-Ohio-Marshall Transportation Study to provide accurate, timely information and inputs to the MOVES2010a model run. The state has documented that growth and control strategy assumptions for non-motor vehicle sources (i.e. area, non-road, and point) continue to be valid and any minor updates do not change the overall conclusions of the SIP.

Ohio's submission confirms that the SIP continues to demonstrate maintenance of the 1997 ozone standard because the total emissions in the revised SIP (including MOVES2010a emissions for mobile sources) continue to decrease from the attainment year to the final year of the maintenance plan, as shown in tables 1 and 2 above. The budgets include an appropriate margin of safety while still maintaining total emissions below the attainment level.

Based on our review of the SIP and the new budgets provided, EPA has determined that the SIP will continue to meet the requirements if the motor vehicle emissions inventories are replaced with MOVES2010a-based inventories.

c. Applicability of MOBILE6.2-Based Budgets

Upon the effective date of the approval of the revised budgets, the state's existing MOBILE6.2-based budgets will no longer be applicable for transportation conformity purposes.

V. What action is EPA taking?

EPA is approving, as a SIP revision, the replacement MOVES2010-based budgets for the Ohio portion of the Wheeling, West Virginia-Ohio 1997 ozone maintenance plan, as submitted on December 7, 2012. We are publishing this action without prior proposal because we view this as a noncontroversial amendment and anticipate no adverse comments. However, in the proposed rules section of this **Federal Register** publication, we are publishing a separate document that will serve as the proposal to approve the state plan if relevant adverse written comments are filed. This rule will be effective August 12, 2013 without further notice unless we receive relevant adverse written comments by July 11, 2013. If we receive such comments, we will withdraw this action before the effective date by publishing a subsequent document that will withdraw the final action. All public comments received will then be addressed in a subsequent final rule based on the proposed action. EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment. If we do not receive any

comments, this action will be effective August 12, 2013.

VI. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, this rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the state, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

The Congressional Review Act, 5 U.S.C. 801 *et seq.,* as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by August 12, 2013. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. Parties with objections to this direct final rule are encouraged to file a comment in response to the parallel notice of proposed rulemaking for this action published in the proposed rules section of today's **Federal Register**, rather than file an immediate petition for judicial review of this direct final rule, so that EPA can withdraw this direct final rule and address the comment in the proposed rulemaking. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Volatile organic compounds.

Dated: May 28, 2013.

Susan Hedman,

Regional Administrator, Region 5.

40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

■ 1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

■ 2. Section 52.1885 is amended by adding paragraph (ff)(15) to read as follows:

§ 52.1885 Control strategy: Ozone.

* * * * *

(ff) * * *

(15) Approval—On December 7, 2012, Ohio submitted a request to revise the approved MOBILE6.2 motor vehicle emission budgets (budgets) in the 1997 8-hour ozone maintenance plan for the Ohio portion of the Wheeling area. The budgets are being revised with budgets developed with the MOVES2010a model. The 2009 motor vehicle emissions budgets for the Ohio portion of the Wheeling area are 4.70 tpd VOC and 13.30 tpd NO_X. The 2018 motor vehicle emissions budgets for the Ohio portion of the Wheeling area are 2.15 tpd VOC and 5.18 tpd NO_X.

* * * * *

[FR Doc. 2013–13735 Filed 6–10–13; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R05–OAR–2013–0050; FRL–9821–5]

Approval and Promulgation of Air Quality Implementation Plans; Ohio; Lima 1997 8-Hour Ozone Maintenance Plan Revision to Approved Motor Vehicle Emissions Budgets

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: Under the Clean Air Act (CAA), EPA is approving the request by Ohio to revise the Lima, Ohio 1997 8-hour ozone maintenance air quality State Implementation Plan (SIP) to replace motor vehicle emissions budgets (budgets) with budgets developed using EPA's Motor Vehicle Emissions Simulator (MOVES) emissions model. Ohio submitted the SIP revision request to EPA on January 11, 2013.

DATES: This direct final rule will be effective August 12, 2013, unless EPA receives adverse comments by July 11, 2013. If adverse comments are received, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** informing the public that the rule will not take effect.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R05–OAR–2013–0050, by one of the following methods:

1. *www.regulations.gov:* Follow the on-line instructions for submitting comments.

2. *Email: blakley.pamela@epa.gov*
3. *Fax:* (312) 692–2450.
4. *Mail:* Pamela Blakley, Chief, Control Strategies Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.
5. *Hand Delivery:* Pamela Blakley, Chief, Control Strategies Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604. Such deliveries are only accepted during the Regional Office normal hours of operation, and special arrangements should be made for deliveries of boxed information. The Regional Office official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding Federal holidays.

Instructions: Direct your comments to Docket ID No. EPA–R05–OAR–2013–0050. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *www.regulations.gov* or email. The *www.regulations.gov* Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through *www.regulations.gov* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: All documents in the docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy at the Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. This facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays. We recommend that you telephone Anthony Maietta, Environmental Protection Specialist, at (312) 353–8777 before visiting the Region 5 office.

FOR FURTHER INFORMATION CONTACT: Anthony Maietta, Environmental Protection Specialist, Control Strategies Section, Air Programs Branch (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 353–8777, *maietta.anthony@epa.gov*.

SUPPLEMENTARY INFORMATION: Throughout this document whenever ''we,'' ''us,'' or ''our'' is used, we mean EPA. This supplementary information section is arranged as follows:

I. What is EPA approving?

EPA is approving new MOVES2010a-based budgets for the Lima, Ohio 1997 8-hour ozone maintenance area that will replace MOBILE-based budgets in the SIP. The Lima, Ohio area was redesignated to attainment of the 1997 8-hour ozone standard effective June 15, 2007 (72 FR 27648), and MOBILE6.2-based budgets were approved in that action. Upon the effective date of approval of the MOVES-based budgets, they must then be used in future transportation conformity analyses for the area as required by section 176(c) of the CAA. See the official release of the MOVES2010 emissions model (75 FR 9411–9414) for background, and section II.(c) below for details.

II. What is the background for this action?

a. SIP Budgets and Transportation Conformity

Under the CAA, states are required to submit control strategy SIP revisions and maintenance plans for nonattainment and maintenance areas for a given National Ambient Air Quality Standard (NAAQS). These SIP revisions and maintenance plans include budgets of on-road mobile source emissions for criteria pollutants, including precursors. Transportation plans and projects ''conform'' to (i.e., are consistent with) the SIP when they will not cause or contribute to air quality violations, or delay timely attainment of the NAAQS.

b. Prior Approval of Budgets

EPA previously approved budgets for the Lima, Ohio, 8-hour ozone maintenance area for volatile organic compounds (VOCs) and nitrogen oxides (NO_X). The area's ozone maintenance plan established 2009 and 2018 budgets that demonstrated a reduction in emissions from the monitored attainment year of 2004.

c. The MOVES Emissions Model

The MOVES model is EPA's state of the art tool for estimating highway emissions. EPA announced the release of MOVES2010 on March 2, 2010 (75 FR 9411). Use of the MOVES model is required for regional emissions analyses for transportation conformity determinations outside of California that begin after March 2, 2013.

MOVES2010a was used to estimate emissions in the Lima area for the same milestone years as the original budgets in the SIP. The Ohio Environmental Protection Agency (OEPA) is revising the budgets using the latest planning assumptions, including population and employment updates. In addition, newer vehicle registration data has been used to update the age distribution of the vehicle fleet. Updating the budgets with MOVES2010a allows the area to continue to show conformity to the SIP in plans, transportation improvement programs, and projects. The interagency consultation group has had extensive consultation on the requirements and need for new budgets.

d. Submission of New Budgets Based on MOVES2010a

On January 11, 2013, Ohio submitted final budgets based on MOVES2010a that cover the Lima area. Ohio received no comments during the public review and comment period.

The new MOVES2010a based budgets are for the years 2009 and 2018, for both VOCs and NO_X, and are detailed later in this notice. Ohio also provided Lima's total emissions, including mobile emissions based on MOVES2010a, for the 2004 attainment year, the 2009 interim budget year, and the 2018 maintenance year. The combined emissions reduction from all sectors between the years 2004 and 2018 is shown as well. Total emissions include point, area, non-road mobile and on-road mobile sources. The total emissions and combined emissions reduction from all sectors from 2004 to 2018 for VOC and NO_X for each area is shown in tables 1 and 2. As noted in tables 1 and 2, for on-road emissions of both VOC and NO_X for the years 2009 and 2018, a 15% safety margin [1] has been applied to reach the values shown.

TABLE 1—TOTAL VOC EMISSIONS WITH MOVES2010a MOBILE EMISSIONS IN LIMA, OHIO

[Tons per day]

Sector	2004 Attainment	2009 Interim	2018 Maintenance	Combined emissions reduction (2004–2018)
Point	4.92	5.28	6.44	
Area	5.08	4.85	4.89	
On-road Mobile	6.35	5.39	2.38	
Non-road Mobile	2.11	1.89	1.36	
Total	18.46	17.41	15.07	3.39

TABLE 2—TOTAL NO_X EMISSIONS WITH MOVES2010a MOBILE EMISSIONS IN LIMA, OHIO

[Tons per day]

Sector	2004 Attainment	2009 Interim	2018 Maintenance	Combined emissions reduction (2004–2018)
Point	12.57	13.66	15.98	
Area	0.47	0.52	0.55	
On-road Mobile	12.23	10.65	6.18	
Non-road Mobile	4.85	3.72	2.82	
Total	30.12	28.55	25.53	4.59

The Lima Allen County Regional Planning Commission has added only a portion of the overall safety margin available for NO_X and VOCs to the budgets for 2009 and 2018. As shown in tables 1 and 2, the submittal demonstrates how the area's combined emissions decline from the attainment year of 2004 to maintain the 1997 8-hour ozone standard.

No additional control measures were needed to maintain the 1997 8-hour ozone standard in the Lima, Ohio area. An appropriate safety margin for NO_X and VOCs was established by the interagency consultation group, which consists of representatives from the Federal Highway Administration, OEPA, Ohio Department of Transportation, and EPA. The submitted budgets for the Lima, Ohio area are addressed later in this notice.

III. What are the criteria for approval?

EPA requires that revisions to existing SIPs and budgets continue to meet applicable requirements (e.g., reasonable further progress, attainment, or maintenance). The SIP must also meet any applicable SIP requirements under CAA section 110. In addition, adequacy criteria found at 40 CFR 93.118(e)(4) must be satisfied before EPA can find submitted budgets adequate and approve them for conformity purposes.

Areas can revise their budgets and inventories using MOVES without revising their entire SIP if (1) the SIP continues to meet applicable requirements when the previous motor vehicle emissions inventories are replaced with MOVES base year and milestone, attainment, or maintenance year inventories, and (2) the state can document that growth and control strategy assumptions for non-motor vehicle sources continue to be valid and any minor updates do not change the overall conclusions of the SIP. For more information, see EPA's latest ''Policy Guidance on the Use of MOVES2010 for SIP Development, Transportation Conformity, and Other Purposes'' (April 2012), available online at: *www.epa.gov/otaq/stateresources/transconf/policy.htm#models.* The submittal meets this requirement as described below in the next section.

IV. What is EPA's analysis of the state's submittal?

a. The Revised Inventories

The January 11, 2013, SIP revision request for the Lima, Ohio 1997 ozone maintenance plan seeks to revise only the on-road mobile source inventories. OEPA has certified that the control strategies remain the same as in the original SIP, and that no other control strategies are necessary. OEPA finds that growth and control strategy assumptions for non-mobile sources (i.e., area, non-road, and point) have not changed significantly from the original submittal. This is confirmed by the monitoring data for the Lima area, which continues to monitor attainment for the 1997 8-hour ozone standard.

OEPA's submittal confirms that the total emissions in the revised SIP (which includes MOVES2010a emissions from mobile sources) as shown in tables 1 and 2 demonstrate that emissions in the Lima, Ohio area

[1] The safety margin is achieved by adding a certain percentage of emissions, in tons per day, onto the MOVES-based on-road emissions budgets. In this case, Ohio chose to add a 15% safety margin to their budgets. The safety margin cannot exceed the combined emissions reduction for the area.

continue to decline and remain below the attainment levels.

Ohio has submitted MOVES2010a-based budgets for the Lima, Ohio area that are clearly identified in the submittal. The budgets are displayed in table 3.

TABLE 3—MOTOR VEHICLE EMISSION BUDGETS (MOVES) FOR THE LIMA 1997 OZONE AREA (ALLEN COUNTY, OHIO)

[Tons per day]

Year	2009	2018
VOC	5.39	2.38
NO_X	10.65	6.18

b. Approvability of the MOVES2010a-Based Budgets

EPA is approving the MOVES2010a-based budgets submitted by Ohio for use in determining transportation conformity in the Lima, Ohio 1997 ozone maintenance area. EPA evaluated the MOVES-based budgets submitted on January 11, 2013, using the adequacy criteria found in 40 CFR 93.118(e)(4) and our in-depth evaluation of the state's submittal and SIP requirements.

Before submitting the revised budgets, OEPA has shown that it followed all necessary conformity procedures. The budgets are clearly identified and precisely quantified in the submittal. The budgets, when considered with other emissions sources, are consistent with continued maintenance of the 1997 ozone standard. The budgets are clearly related to the emissions inventory and control measures in the SIP. The changes from the previous budgets are clearly explained with the change in the model from MOBILE6.2 to MOVES2010a and the revised and updated planning assumptions. The inputs to the model are detailed in the appendix to the submittal. EPA has reviewed the inputs to the MOVES2010a modeling and participated in the consultation process. The Federal Highway Administration and the Ohio Department of Transportation have taken a lead role in working with the Lima Allen County Regional Planning Commission to provide accurate, timely information and inputs to the MOVES2010a model run. The state has documented that growth and control strategy assumptions for non-motor vehicle sources (i.e. area, non-road, and point) continue to be valid and any minor updates do not change the overall conclusions of the SIP.

Ohio's submission confirms that the SIP continues to demonstrate maintenance of the 1997 ozone standard because the total emissions in the revised SIP (including MOVES2010a emissions for mobile sources) continue to decrease from the attainment year to the final year of the maintenance plan, as shown in tables 1 and 2. The budgets include an appropriate margin of safety while still maintaining total emissions below the attainment level. As table 3 shows, the submitted budgets include an appropriate margin of safety while still maintaining total emissions below the attainment level.

Based on our review of the January 11, 2013, submittal, EPA has determined that the SIP will continue to meet the requirements if the revised motor vehicle emissions inventories are replaced with MOVES2010a inventories.

c. Applicability of MOBILE6.2-Based Budgets

Upon the effective date of the approval of the revised budgets, the state's existing MOBILE6.2-based budgets will no longer be applicable for transportation conformity purposes.

V. What action is EPA taking?

EPA is approving, as a SIP revision, the replacement MOVES2010-based budgets for the Lima, Ohio 1997 ozone maintenance plan, as submitted on January 11, 2013. We are publishing this action without prior proposal because we view this as a noncontroversial amendment and anticipate no adverse comments. However, in the proposed rules section of this **Federal Register** publication, we are publishing a separate document that will serve as the proposal to approve the state plan if relevant adverse written comments are filed. This rule will be effective August 12, 2013 without further notice unless we receive relevant adverse written comments by July 11, 2013. If we receive such comments, we will withdraw this action before the effective date by publishing a subsequent document that will withdraw the final action. All public comments received will then be addressed in a subsequent final rule based on the proposed action. EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment. If we do not receive any comments, this action will be effective August 12, 2013.

VI. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, this rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the state, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

The Congressional Review Act, 5 U.S.C. 801 *et seq.,* as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by August 12, 2013. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. Parties with objections to this direct final rule are encouraged to file a comment in response to the parallel notice of proposed rulemaking for this action published in the proposed rules section of today's **Federal Register,** rather than file an immediate petition for judicial review of this direct final rule, so that EPA can withdraw this direct final rule and address the comment in the proposed rulemaking. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Volatile organic compounds.

Dated: May 28, 2013.

Susan Hedman,

Regional Administrator, Region 5.

40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

■ 1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

■ 2. Section 52.1885 is amended by adding paragraph (ff)(16) to read as follows:

§ 52.1885 Control strategy: Ozone.

* * * * *

(ff) * * *

(16) Approval—On January 11, 2013, Ohio submitted a request to revise the approved MOBILE6.2 motor vehicle emission budgets (budgets) in the 1997 8-hour ozone maintenance plan for the Lima, Ohio area. The budgets are being revised with budgets developed with the MOVES2010a model. The 2009 motor vehicle emissions budgets for the Lima, Ohio area are 5.39 tpd VOC and 10.65 tpd NO_X. The 2018 motor vehicle emissions budgets for the Lima, Ohio area are 2.38 tpd VOC and 6.18 tpd NO_X.

* * * * *

[FR Doc. 2013–13734 Filed 6–10–13; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2013–0033; FRL–9822–5]

Approval and Promulgation of Implementation Plans; Maryland; Revisions to the State Implementation Plan Approved by EPA Through Letter Notice Actions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; administrative change.

SUMMARY: EPA is taking final action on administrative changes to the Maryland State Implementation Plan (SIP) which EPA had previously approved through a Letter Notice action. The revision removes an obsolete Consent Decree for the Allegany County Board of Education, Beall Jr./Sr. High School. EPA has determined that this action falls under the ''good cause'' exemption in the Administrative Procedure Act (APA), which authorizes agencies to dispense with public participation and which allows an agency to make an action effective immediately (thereby avoiding the 30-day delayed effective date otherwise provided for in the APA).

DATES: This action is effective June 11, 2013.

ADDRESSES: EPA has established a docket for this action under Docket ID Number EPA–R03–OAR–2013–0033. All documents in the docket are listed in the *www.regulations.gov* Web site. Although listed in the electronic docket, some information is not publicly available, i.e., confidential business information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *www.regulations.gov* or in hard copy for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the State submittal are available at the Maryland Department of the Environment, 1800 Washington Boulevard, Suite 705, Baltimore, Maryland 21230.

FOR FURTHER INFORMATION CONTACT: Harold A. Frankford at (215) 814–2108, or by email at *frankford.harold@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. Background

EPA is taking final action on administrative changes to the Maryland SIP. On November 15, 2012, Maryland submitted a SIP revision requesting removal of an obsolete Consent Decree for the Allegany County Board of Education, Beall Jr./Sr. High School since the school's coal-fired boiler was demolished in 2007. EPA determined that the revision was a minor SIP revision without any substantive changes and complied with all applicable requirements of the CAA and EPA regulations concerning such SIP revisions. EPA approved this revision through Letter Notice to Maryland dated February 6, 2013 consistent with the procedures outlined in EPA's Notice of Procedural Changes on SIP processing published on January 19, 1989 at 54 FR 2214 and consistent with the procedures outlined in an April 6, 2011 memo from Janet McCabe, Deputy Assistant Administrator for the Office of Air and Radiation, regarding Regional Consistency for the Administrative Requirements of State Implementation. Today's action completes the February 6, 2013 administrative amendment to the SIP by removing the Consent Order entry for Beall Jr./Sr. High School from the 40 CFR 52.1070(d) table.

II. EPA Action

EPA is taking final action on administrative changes to the Maryland SIP. EPA has determined that today's action falls under the ''good cause'' exemption in the section 553(b)(3)(B) of the Administrative Procedure Act (APA)

which, upon finding ''good cause,'' authorizes agencies to dispense with public participation and section 553(d)(3) which allows an agency to make an action effective immediately (thereby avoiding the 30-day delayed effective date otherwise provided for in the APA). With respect to the SIP revision described above, today's administrative action simply codifies provisions which are already in effect as a matter of law in Federal and approved state programs. Under section 553 of the APA, an agency may find good cause where procedures are ''impractical, unnecessary, or contrary to the public interest.'' Public comment for this administrative action is ''unnecessary'' because the revisions are administrative and non-substantive in nature. Immediate notice of this action in the **Federal Register** benefits the public by providing the public notice of the updated Maryland SIP. Approval of these revisions will ensure consistency between state and Federally-approved rules. EPA has determined that these changes will not relax the SIP or adversely impact air emissions.

III. Statutory and Executive Order Reviews

A. General Requirements

Under the Clean Air Act (CAA), the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, this rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the state, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

B. Submission to Congress and the Comptroller General

The Congressional Review Act (CRA) (5 U.S.C. 801 *et seq.*), as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. Section 808 allows the issuing agency to make a rule effective sooner than otherwise provided by the CRA if the agency makes a good cause finding that notice and public procedure is impracticable, unnecessary or contrary to the public interest. 5 U.S.C. 808(2). In taking action on this SIP revision, EPA already made such a finding. Thus, the SIP revisions announced in this notice became effective upon EPA's February 6, 2013 Letter Notice to Maryland. Today's administrative action simply codifies a provision which is already in effect as a matter of law in Federal and approved state programs. EPA will submit a report containing this action and other information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of this action in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

C. Petitions for Judicial Review

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by August 12, 2013. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action to remove the obsolete Consent Decree for the Allegany County Board of Education, Beall Jr./Sr. High School may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Particulate matter.

Dated: May 28, 2013.

W.C. Early,

Acting Regional Administrator, Region III.

40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

■ 1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart V—Maryland

§ 52.1070 [Amended]

■ 2. In § 52.1070, the table in paragraph (d) is amended by removing the entry for Beall Jr./Sr. High School.

[FR Doc. 2013–13718 Filed 6–10–13; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2012–0511; FRL–9822–6]

Approval and Promulgation of Air Quality Implementation Plans; Maryland; Low Emission Vehicle Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is approving State Implementation Plan (SIP) revisions submitted by the State of Maryland on December 20, 2007, November 12, 2010, and June 22, 2011, as amended March

22, 2013. These SIP revisions pertain to adoption by Maryland of a Low Emission Vehicle (LEV) program, which incorporates by reference California's second generation Low Emission Vehicle (LEVII) program regulations. Maryland's LEV regulations require new 2011 and subsequent model year passenger cars, light trucks, and medium-duty vehicles having a gross vehicle weight rating (GVWR) of 14,000 pounds or less that are sold in Maryland to meet California emission standards. The Clean Air Act (CAA) contains authority by which states other than California may adopt new motor vehicle emissions standards that are identical to California's standards. Maryland's supplemental SIP revisions submitted on November 12, 2010 and June 22, 2011 modify its program to harmonize with updates by California to its LEVII program and Federal GHG standards effective on 2012–2016 model year vehicles. The March 22, 2013 SIP amendment withdraws from the SIP revision submittal the portion of Maryland's LEV program rule that incorporates by reference a provision of California's rule regulating retrofit systems for conversion of motor vehicles to use natural gas or liquefied petroleum gas in lieu of the fuel on which they were originally certified. EPA is approving all of Maryland's LEV Program SIP revisions, except for the portion of Maryland's regulation withdrawn by Maryland from the SIP on March 22, 2013, in accordance with the requirements of the CAA.

DATES: This final rule is effective on July 11, 2013.

ADDRESSES: EPA has established a docket for this action under Docket ID Number EPA–R03–OAR–2012–0511. All documents in the docket are listed in the *www.regulations.gov* Web site. Although listed in the electronic docket, some information is not publicly available, i.e., confidential business information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *www.regulations.gov* or in hard copy for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the State submittal are available at the Maryland Department of the Environment, 1800 Washington Boulevard, Suite 705, Baltimore, Maryland 21230.

FOR FURTHER INFORMATION CONTACT: Brian Rehn, (215) 814–2176, or by email at *rehn.brian@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. Background

On August 23, 2012 (77 FR 50969), EPA published in the **Federal Register** a notice of proposed rulemaking (NPR) for the State of Maryland proposing approval of three SIP revisions related to Maryland's LEV program. The first of these Maryland SIP revisions was submitted to EPA on December 20, 2007 (#07–16) and included Maryland's Low Emission Vehicle Program, as adopted by the state in 2007. On November 12, 2010, Maryland submitted a revision to the 2007 SIP submittal (#10–08) to amend its Clean Car Program rules to incorporate changes made by California to its LEV regulations since Maryland's initial adoption of the program in 2007. On June 22, 2011, Maryland submitted another SIP revision (#11–05) consisting of updates to Maryland's program regulations adopting additional changes made by California to its own rules since Maryland's regulatory changes made as part of the 2010 SIP submittal. On March 22, 2013, Maryland submitted a letter to EPA formally withdrawing a portion of the SIP revision submitted June 22, 2011. Specifically, Maryland requested withdrawal of a section of its LEV program rule (COMAR 26.11.34.02B(17)), which incorporated by reference section 2030 of Division 3, Chapter 1, Article 5 of Title 13 of the California Code of Regulations for natural gas and liquefied petroleum gas retrofit systems.

II. Summary of SIP Revision

A detailed description of Maryland's and California's Low Emission Vehicle program is provided in the NPR published in the **Federal Register** on August 23, 2012 (77 FR 50969), and will not be repeated here. However, a brief summary of Maryland's SIP revision is provided below.

A. Maryland's Low Emission Vehicle Program

Maryland adopted into law the Maryland Clean Cars Act of 2007, the purpose of which was to implement California's LEV program in Maryland. The purpose of doing so was to improve ambient air quality in Maryland. This statute compelled the Maryland Department of Environment to adopt a rule in November 2007, which established a new Maryland regulatory chapter COMAR 26.11.34, entitled ''Low Emission Vehicle Program.''

The regulation requires that 2011 and newer model year passenger cars, light-duty trucks, and medium-duty vehicles (with a GVWR of 14,000 pounds or less that are sold in Maryland as new cars, or that are transferred in Maryland) meet the applicable California LEVII emissions standards. The objectives of the program are twofold. The first is to reduce emissions of nitrogen oxide (NO_X) and volatile organic compound (VOC) emissions, which are ground-level ozone precursor pollutants. The program relies on decreasing fleet average emission standards, applicable to each vehicle manufacturer each year. This program uses varying standards established by California, ranging from LEV standards to zero emission vehicle (ZEV) standards, which are the most stringent standards set. In between these fall: Ultra-Low Emission Vehicles (ULEV), Super-Ultra Low Emission Vehicles (SULEV), Partial Zero Emission Vehicles (PZEV), and Advanced Technology-Partial Zero Emission Vehicles (AT–PZEV). Each manufacturer complies by selling a mix of vehicles meeting any of these standards, as long as their sales-weighted, overall average of the various standard sets meets the overall fleet average and ZEV requirements. Maryland has adopted California's second generation of LEV program rules, or LEV II, which were approved by California on October 28, 1999, and became effective in California on November 27, 1999. Maryland has not adopted or submitted to EPA for SIP approval subsequently adopted California rules, including California's LEV III program rules.

The second objective of Maryland's LEV program is to reduce greenhouse gas (GHG) emissions from subject new vehicles purchased for use in Maryland. The GHG program also makes use of a fleet average compliance method (similar in methodology to that of the non-methane organic gas (NMOG) fleet average standard portion of the LEV program), which serves as a means to reduce ground level ozone and air toxics pollution. Overall compliance is demonstrated by showing that the entire fleet of vehicles produced by each manufacturer (as distributed within the allowable standard sets) meets the specified fleet average NMOG and GHG standards.

B. Maryland's Clean Car Program SIP Revisions

Maryland initially adopted regulations .01 to .14 under COMAR 26.11.34, which is a new chapter entitled ''Low Emission Vehicle Program.'' Maryland formally submitted

a SIP revision for the Maryland Clean Car Program to EPA on December 20, 2007.

Maryland subsequently amended regulation .02 (entitled ''Incorporation by Reference'') of COMAR 26.11.34 via a proposed state action published in the *Maryland Register* on August 14, 2009, followed by a final action published on November 6, 2009. Maryland submitted this amendment to EPA as a SIP revision on November 12, 2010.

Maryland once more amended regulation .02 (Incorporation by Reference) of COMAR 26.11.34. Maryland submitted a SIP revision to EPA on June 22, 2011 to amend the prior SIP revisions to reflect this most recent state regulatory amendment to the Maryland LEV program rule. On March 22, 2013, Secretary Summers of the Maryland Department of the Environment submitted a letter to EPA's Regional Administrator Shawn Garvin formally withdrawing a portion of the June 22, 2011 SIP revision.

The specific requirements and other details of Maryland's LEV program SIP revisions and the rationale for EPA's proposed action are explained in the NPR and will not be restated here. EPA received adverse comments during the public comment period on our August 23, 2012 NPR. A summary of those comments and EPA's responses are provided in Section III of this action.

III. Summary of Public Comments and EPA Responses

Comment: The commenter challenges Maryland's authority to adopt, by reference, California's motor vehicle regulations for alternative fuel aftermarket systems, found in California's Code of Regulations (CCR), at 13 CCR 2030. The commenter argues that the authority in section 177 of the CAA allowing other states to adopt California's standards (which are waived from preemption under CAA section 209(b)) is limited to new motor vehicles and motor vehicle engines, and that this authority does not extend to adoption of California's regulations governing aftermarket alternative fuel systems. Further, the commenter argues that CAA section 209(c) preempts states other than California from adopting aftermarket parts regulations when EPA has acted on its authority to regulate such parts under Federal law. The commenter argues that the portion of California's regulation (13 CCR 2030) which Maryland has incorporated by reference has not been updated in many years and is functionally outdated and conflicts in some aspects with more recent Federal rules on the subject.

Response: On March 22, 2013, Maryland officially withdrew the portion of Maryland's LEV Program SIP Revision #11–05 which this commenter is addressing. Specifically, Maryland requested withdrawal of COMAR 26.11.34.02B(17), which served to adopt by reference § 2030 of Division 3, Chapter 1, Article 5 of Title 13 of the CCR. EPA is taking final rulemaking action on the remaining portions of the Maryland SIP submittals from December 20, 2007, November 12, 2010, and June 22, 2011. Because Maryland has withdrawn this portion of the SIP and because EPA is not taking any final rulemaking action on COMAR 26.11.34.02B(17), the commenter's arguments related to CAA sections 177 and 209 are not relevant to this final action.

Comment: Several commenters generally supported efforts to reduce greenhouse gas emissions from new light to medium duty vehicles, per Maryland's LEV program. One commenter expressed disappointment that Federal law under the CAA limits states choices to adoption of either California new vehicle standards or Federal standards, rather than allowing states to adopt their own more stringent standards. The commenter argues that the current pace in limiting GHG emissions is insufficient to limit climate change or to ameliorate damage already done.

Response: EPA appreciates the commenters' support for clean vehicle programs and the commensurate GHG benefits resulting from adoption of a LEV program. With respect to states' authority to adopt their own standards different from Federal new vehicle standards or those of California, Congress explicitly limited this authority with the prohibition language of section 209 of the CAA. That section states that ''no State or political subdivision thereof shall adopt or attempt to enforce any standard relating to the control of emissions from new motor vehicles or motor vehicle engines subject to this part.'' That same section of the CAA allows the Administrator to waive that prohibition for California, which had already adopted standards to control new motor vehicle emissions prior to March 30, 1966. Further, section 177 of the CAA allows any state with an approved SIP plan to adopt and enforce standards for new motor vehicles or motor vehicle engines that are identical to California standards for which a waiver has been granted, if specified lead time requirements are met. Congress was explicit in the relevant CAA authority of their intent to grant states the option to adopt either California or Federal vehicle emission standards—and also to prohibit states from independently adopting or enforcing any third set of vehicle standards.

IV. Final Action

EPA is approving three SIP revisions submitted by Maryland with respect to Maryland's adoption of a Low Emission Vehicle Program into the Maryland SIP. These SIP revisions were submitted on December 20, 2007; November 12, 2010; and June 22, 2011. EPA is excluding from final approval COMAR 26.11.34.02B(17), as Maryland formally requested withdrawal of that regulatory provision in a letter to EPA dated March 22, 2013.

V. Statutory and Executive Order Reviews

A. General Requirements

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- is not subject to requirements of Section 12(d) of the National

Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and

• does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, this rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the state, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

B. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.,* as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

C. Petitions for Judicial Review

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by August 12, 2013. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action.

This action to approve the Maryland Low Emission Vehicle Program into the Maryland SIP may not be challenged later in proceedings to enforce its requirements. (*See* section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: May 28, 2013.

W.C. Early,

Acting Regional Administrator, Region III.

40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

■ 1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart V—Maryland

■ 2. In § 52.1070, the table in paragraph (c) is amended by adding entries in numerical order for COMAR 26.11.34 to read as follows:

§ 52.1070 Identification of plan.

* * * * *

(c) * * *

EPA-APPROVED REGULATIONS, TECHNICAL MEMORANDA, AND STATUTES IN THE MARYLAND SIP

Code of Maryland administrative regulations (COMAR) citation	Title/subject	State effective date	EPA approval date	Additional explanation/ citation at 40 CFR 52.1100
*	*	*	*	*
	26.11.34 Low Emissions Vehicle Program			
26.11.34.01	Purpose	12/17/07	6/11/13; [*Insert page number where the document begins*].	
26.11.34.02 (except .02B(17)).	Incorporation by Reference	5/16/11 11/16/09 12/17/07	6/11/13; [*Insert page number where the document begins*].	
26.11.34.03	Applicability and Exemptions	12/17/07	6/11/13; [*Insert page number where the document begins*].	
26.11.34.04	Definitions	12/17/07	6/11/13; [*Insert page number where the document begins*].	
26.11.34.05	Emissions Requirements	12/17/07	6/11/13; [*Insert page number where the document begins*].	
26.11.34.06	Fleet Average NMOG Requirements.	12/17/07	6/11/13; [*Insert page number where the document begins*].	
26.11.34.07	Initial NMOG Credit Account Balances.	12/17/07	6/11/13; [*Insert page number where the document begins*].	
26.11.34.08	Fleet Average Greenhouse Gas Requirements.	12/17/07	6/11/13; [*Insert page number where the document begins*].	
26.11.34.09	Zero Emission Vehicle (ZEV) Requirements.	12/17/07	6/11/13; [*Insert page number where the document begins*].	
26.11.34.10	Initial ZEV Credit Account Balances.	12/17/07	6/11/13; [*Insert page number where the document begins*].	
26.11.34.11	Vehicle Testing	12/17/07	6/11/13; [*Insert page number where the document begins*].	
26.11.34.12	Warranty	12/17/07	6/11/13; [*Insert page number where the document begins*].	
26.11.34.13	Manufacturer Compliance Demonstration.	12/17/07	6/11/13; [*Insert page number where the document begins*].	

EPA-APPROVED REGULATIONS, TECHNICAL MEMORANDA, AND STATUTES IN THE MARYLAND SIP—Continued

Code of Maryland administrative regulations (COMAR) citation	Title/subject	State effective date	EPA approval date	Additional explanation/ citation at 40 CFR 52.1100
26.11.34.14	Enforcement	12/17/07	6/11/13; [*Insert page number where the document begins*].	
*	*	*	*	* * *

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[FR Doc. 2013–13717 Filed 6–10–13; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2013–0289; FRL–9822–3]

Approval and Promulgation of Air Quality Implementation Plans; Virginia; Revision to the Classification and Implementation of the 2008 Ozone National Ambient Air Quality Standards for the Northern Virginia Nonattainment Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is taking direct final action to approve revisions to the Virginia State Implementation Plan (SIP). The revisions consist of two amendments: an amendment to the list of nonattainment areas; and an amendment to the 1997 National Ambient Air Quality Standards (NAAQS) for ozone for purposes of transportation conformity. EPA is approving these revisions to include the classification of Northern Virginia as ''marginal'' for the 2008 ozone NAAQS, and to revoke the 1997 ozone NAAQS for the purposes of transportation conformity as established by the EPA in accordance with the requirements of the Clean Air Act (CAA).

DATES: This rule is effective on August 12, 2013 without further notice, unless EPA receives adverse written comment by July 11, 2013. If EPA receives such comments, it will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect.

ADDRESSES: Submit your comments, identified by Docket ID Number EPA–R03–OAR–2013–0289 by one of the following methods:

A. *www.regulations.gov.* Follow the on-line instructions for submitting comments.

B. *Email: fernandez.cristina@epa.gov.*

C. *Mail:* EPA–R03–OAR–2013–0289, Cristina Fernandez, Associate Director, Office of Air Program Planning, Air Protection Division, Mailcode 3AP30, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103.

D. *Hand Delivery:* At the previously-listed EPA Region III address. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA–R03–OAR–2013–0289. EPA's policy is that all comments received will be included in the public docket without change, and may be made available online at *www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *www.regulations.gov* or email. The *www.regulations.gov* Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through *www.regulations.gov,* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: All documents in the electronic docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, i.e., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the State submittal are available at the Virginia Department of Environmental Quality, 629 East Main Street, Richmond, Virginia 23219.

FOR FURTHER INFORMATION CONTACT: Gregory Becoat, (215) 814–2036, or by email at *becoat.gregory@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Summary of SIP Revision

On March 20, 2013, the Commonwealth of Virginia submitted a formal revision to its SIP. The SIP revision consists of two amendments to the Virginia Administrative Code: (1) an amendment to the list of nonattainment areas in section 9VAC5–20–204, and (2) an amendment to the 1997 NAAQS for ozone specified in section 9VAC5–30–55. The first is an amendment that reflects EPA's rulemaking action on May 21, 2012 to establish initial air quality designations for most areas in the United States for the 2008 primary and secondary ozone NAAQS (77 FR 30087). In this rulemaking action, EPA designated the Northern Virginia nonattainment area as ''marginal'' for the 2008 ozone NAAQS. The second amendment reflects a separate EPA rulemaking action also made on May 21, 2012, in which the EPA provided for the revocation of the 1997 ozone NAAQS for transportation conformity purposes one year after the effective date of designations for the 2008 ozone NAAQS (77 FR 30160). For Virginia, one year after the effective date is July 20, 2013.

II. General Information Pertaining to SIP Submittals From the Commonwealth of Virginia

In 1995, Virginia adopted legislation that provides, subject to certain conditions, for an environmental assessment (audit) ''privilege'' for voluntary compliance evaluations performed by a regulated entity. The legislation further addresses the relative burden of proof for parties either asserting the privilege or seeking disclosure of documents for which the privilege is claimed. Virginia's legislation also provides, subject to certain conditions, for a penalty waiver for violations of environmental laws when a regulated entity discovers such violations pursuant to a voluntary compliance evaluation and voluntarily discloses such violations to the Commonwealth and takes prompt and appropriate measures to remedy the violations. Virginia's Voluntary Environmental Assessment Privilege Law, Va. Code Sec. 10.1–1198, provides a privilege that protects from disclosure documents and information about the content of those documents that are the product of a voluntary environmental assessment. The Privilege Law does not extend to documents or information that: (1) Are generated or developed before the commencement of a voluntary environmental assessment; (2) are prepared independently of the assessment process; (3) demonstrate a clear, imminent and substantial danger to the public health or environment; or (4) are required by law.

On January 12, 1998, the Commonwealth of Virginia Office of the Attorney General provided a legal opinion that states that the Privilege Law, Va. Code § 10.1–1198, precludes granting a privilege to documents and information ''required by law,'' including documents and information ''required by Federal law to maintain program delegation, authorization or approval,'' since Virginia must ''enforce Federally authorized environmental programs in a manner that is no less stringent than their Federal counterparts. . . .'' The opinion concludes that ''[r]egarding § 10.1–1198, therefore, documents or other information needed for civil or criminal enforcement under one of these programs could not be privileged because such documents and information are essential to pursuing enforcement in a manner required by Federal law to maintain program delegation, authorization or approval.'' Virginia's Immunity law, Va. Code Sec. 10.1–1199, provides that ''[t]o the extent consistent with requirements imposed by Federal law,'' any person making a voluntary disclosure of information to a state agency regarding a violation of an environmental statute, regulation, permit, or administrative order is granted immunity from administrative or civil penalty. The Attorney General's January 12, 1998 opinion states that the quoted language renders this statute inapplicable to enforcement of any Federally authorized programs, since ''no immunity could be afforded from administrative, civil, or criminal penalties because granting such immunity would not be consistent with Federal law, which is one of the criteria for immunity.''

Therefore, EPA has determined that Virginia's Privilege and Immunity statutes will not preclude the Commonwealth from enforcing its program consistent with the Federal requirements. In any event, because EPA has also determined that a state audit privilege and immunity law can affect only state enforcement and cannot have any impact on Federal enforcement authorities, EPA may at any time invoke its authority under the CAA, including, for example, sections 113, 167, 205, 211 or 213, to enforce the requirements or prohibitions of the state plan, independently of any state enforcement effort. In addition, citizen enforcement under section 304 of the CAA is likewise unaffected by this, or any, state audit privilege or immunity law.

III. Final Action

EPA is approving these revisions to the Virginia SIP to incorporate the following two amendments: (1) An amendment to the list of nonattainment areas in section 9VAC5–20–204, and (2) an amendment to the 1997 NAAQS for ozone, for the purposes of transportation conformity, specified in section 9VAC5–30–55. EPA is publishing this rule without prior proposal because EPA views this as a noncontroversial amendment and anticipates no adverse comment. However, in the ''Proposed Rules'' section of today's **Federal Register**, EPA is publishing a separate document that will serve as the proposal to approve the SIP revision if adverse comments are filed. This rule will be effective on August 12, 2013 without further notice unless EPA receives adverse comment by July 11, 2013. If EPA receives adverse comment, EPA will publish a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect. EPA will address all public comments in a subsequent final rule based on the proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting must do so at this time.

IV. Statutory and Executive Order Reviews

A. General Requirements

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, this rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country

located in the state, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

B. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.,* as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

C. Petitions for Judicial Review

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by August 12, 2013. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. Parties with objections to this direct final rule are encouraged to file a comment in response to the parallel notice of proposed rulemaking for this action published in the proposed rules section of today's **Federal Register**, rather than file an immediate petition for judicial review of this direct final rule, so that EPA can withdraw this direct final rule and address the comment in the proposed rulemaking. This action, revising the Virginia SIP to include an amendment to the list of nonattainment areas, and an amendment to the 1997 NAAQS for ozone for the purposes of transportation conformity may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: May 28, 2013.

W.C. Early,

Acting Regional Administrator, Region III.

40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

■ 1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart VV—Virginia

■ 2. In § 52.2420, the table in paragraph (c) is amended by revising the entries for Sections 5–20–204 and 5–30–55. The revised text reads as follows:

§ 52.2420 Identification of plan.

* * * * *

(c) * * *

EPA-APPROVED VIRGINIA REGULATIONS AND STATUTES

State citation	Title/subject	State effective date	EPA approval date	Explanation [former SIP citation]
*	*	*	*	*
9 VAC 5, Chapter 20 General Provisions				
*	*	*	*	*
Part II Air Quality Programs				
*	*	*	*	*
5–20–204	Nonattainment Areas	11/21/12	6/11/13 [*Insert page number where the document begins*].	The Northern Virginia 8-hour ozone nonattainment area is added.
*	*	*	*	*
9 VAC 5, Chapter 30 Ambient Air Quality Standards [Part III]				
*	*	*	*	*
5–30–55	Ozone (8-hour, 0.08 ppm)	11/21/12	6/11/13 [*Insert page number where the document begins*].	The 1997 8-hour ozone NAAQS for purposes of transportation conformity is revoked.
*	*	*	*	*

* * * * *

[FR Doc. 2013–13727 Filed 6–10–13; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 62

[EPA–R05–OAR–2013–0372; FRL–9821–1]

Direct Final Approval of Sewage Sludge Incinerators State Plan for Designated Facilities and Pollutants; Indiana

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is approving Indiana's State Plan to control air pollutants from ''Sewage Sludge Incinerators'' (SSI). The Indiana Department of Environmental Management (IDEM) submitted the State Plan on February 27, 2013. The State Plan is consistent with the Emission Guidelines (EGs) promulgated by EPA on March 21, 2011. This approval means that EPA finds that the State Plan meets applicable Clean Air Act (Act) requirements for subject SSI units. Once effective, this approval also makes the State Plan Federally enforceable.

DATES: This direct final rule will be effective August 12, 2013, unless EPA receives adverse comments by July 11, 2013. If adverse comments are received, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** informing the public that the rule will not take effect.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R05–OAR–2013–0372, by one of the following methods:

1. *www.regulations.gov:* Follow the on-line instructions for submitting comments.
2. *Email: nash.carlton@epa.gov.*
3. *Fax:* (312) 692–2543.
4. *Mail:* Carlton T. Nash, Chief, Toxics and Global Atmosphere Section, Air Toxics and Assessment Branch (AT–18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.
5. *Hand Delivery:* Carlton T. Nash, Chief, Toxics and Global Atmosphere Section, Air Toxics and Assessment Branch (AT–18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604. Such deliveries are only accepted during the Regional Office normal hours of operation, and special arrangements should be made for deliveries of boxed information. The Regional Office official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m. excluding Federal holidays.

Instructions: Direct your comments to Docket ID No. EPA–R05–OAR–2013–0372. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *www.regulations.gov* or email. The *www.regulations.gov* Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through *www.regulations.gov* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: All documents in the docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy at the Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. This Facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays. We recommend that you telephone Margaret Sieffert, Environmental Engineer, at (312) 353–1151 before visiting the Region 5 office.

FOR FURTHER INFORMATION CONTACT: Margaret Sieffert, Environmental Engineer, Environmental Protection Agency, Region 5, 77 West Jackson Boulevard (AT–18J), Chicago, Illinois 60604, (312) 353–1151, *sieffert.margaret@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document whenever ''we,'' ''us,'' or ''our'' is used, we mean EPA. This **SUPPLEMENTARY INFORMATION** section is arranged as follows:

I. Background

On March 21, 2011, in accordance with sections 111 and 129 of the Act, EPA promulgated SSI EGs and compliance schedules for the control of emissions from existing SSI units. *See* 76 FR 15404. EPA codified these guidelines at 40 CFR part 60, subpart MMMM. They include a model rule at 40 CFR §§ 60.5085 through 62.5250 that States may use to develop their own plans. Under that rule, EPA has defined an ''SSI unit,'' in part, as any device that combusts sewage sludge for the purpose of reducing the volume of the sewage sludge by removing combustible matter. 40 CFR 60.5250

Under section 111(d) of the Act, EPA is required to develop regulations for existing sources of noncriteria pollutants (i.e., a pollutant for which there is no national ambient air quality standard) whenever EPA promulgates a standard for a new source. This would include SSIs. Section 111(d) plans are subject to EPA review and approval.

Under section 129(b)(2) of the Act and the EGs at subpart MMMM, States with SSIs must submit to EPA plans that implement the EGs. The plans must be at least as protective as the EGs, which are not Federally enforceable until EPA approves them (or promulgates a Federal Plan for implementation and enforcement).

40 CFR part 60, subpart B contains general provisions applicable to the adoption and submittal of State Plans for subject facilities under section 111(d), which would include SSIs. On February 27, 2013, Indiana submitted its SSI State Plan, which EPA received on March 1, 2013. This submission followed public hearings for preliminary adoption of the State rule on May 2, 2012 and for final adoption on August 1, 2012. The State adopted the final rule on October 31, 2012 and it became effective on November 1, 2012. The plan includes State rule 326 IAC 11–10, which establishes emission standards for existing SSI.

II. What does the State Plan contain?

The State submittal is based on the SSI EGs. As set forth in section 129 of the Act and in 40 CFR part 60, subparts B and MMMM, the State Plan addresses the nine minimum required elements, as follows:

1. An inventory of affected SSI units, including those that have ceased operation but have not been dismantled. Indiana has provided this.

2. An inventory of the emissions from affected SSI units. Indiana has provided this.

3. Compliance schedules for each affected SSI unit. Indiana has provided a compliance schedule and a compliance date of December 21, 2015.

4. Emission limits, emission standards, operator training and qualification requirements and operating limits for affected SSI units that are at least as protective as the EGs. Indiana has provided this.

5. Performance testing, recordkeeping and reporting and requirements. Indiana has provided this.

6. Certification that the hearing on the state plan was held, a list of witnesses and their organizational affiliations, if any, appearing at the hearing, and a brief written summary of each presentation or written submission. Indiana has provided this.

7. A provision for State progress reports to EPA. Indiana has stated that it will submit an annual report that will include updates to the inventory, any enforcement activities and submission of copies of technical reports on all performance testing on designated facilities. The Air Facility System will be used to submit information pertaining to emissions, inspections, status of compliance, dates of performance testing, and enforcement actions.

8. Identification of enforceable state mechanisms that the State selected for implementing the EGs. Indiana has provided a detailed list which identified the enforceable mechanisms.

9. A demonstration of the State's legal authority to carry out the SSI State Plan. Indiana has provided a detailed list which demonstrated that it has such legal authority. This includes the legal authority to incorporate by reference Federal emission guidelines provisions, as confirmed by an Indiana Attorney General's Opinion letter dated February 21, 2013.

III. Does the State Plan meet the EPA requirements?

EPA evaluated the SSI State Plan and related information submitted by Indiana for consistency with the Act, EPA regulations and policy. For the reasons discussed above, EPA has determined that the State Plan meets all applicable requirements and, therefore, is approving it.

IV. What action is EPA taking?

EPA is approving the State Plan which Indiana submitted on February 27, 2013, for the control of emissions from existing SSI sources in the State. EPA is publishing this approval notice without prior proposal because the Agency views this as a non-controversial action and anticipates no adverse comments. However, in the proposed rules section of this **Federal Register** publication, EPA is publishing a separate document that will serve as the proposal to approve the State Plan in the event adverse written comments are filed. This rule will be effective August 12, 2013 without further notice unless we receive relevant adverse written comments by July 11, 2013. If we receive such comments, we will withdraw this action before the effective date by publishing a subsequent document that will withdraw the final action. All public comments received will then be addressed in a subsequent final rule based on the proposed action. EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment. If we do not receive any comments, this action will be effective August 12, 2013.

V. Statutory and Executive Order Reviews

A. General Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a ''significant regulatory action'' and therefore is not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001). This action merely approves state law as meeting Federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.). Because this rule approves pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4). This rule also does not have tribal implications because it will not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). This action also does not have Federalism implications because it does not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). This action merely approves a state rule implementing a Federal requirement, and does not alter the relationship or the distribution of power and responsibilities established in the Act. This rule also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it approves a state rule implementing a Federal standard.

In reviewing section 111(d)/129 plan submissions, EPA's role is to approve State choices, provided that they meet the criteria of the Act. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a section 111(d)/129 plan submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a section 111(d)/129 plan submission, to use VCS in place of a section 111(d)/129 plan submission that otherwise satisfies the provisions of the Act. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.).

B. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 et seq., as added by the Small Business Regulatory Enforcement

Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This rule is not a ''major rule'' as defined by 5 U.S.C. 804(2).

C. Petitions for Judicial Review

Under Section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by August 12, 2013. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action approving Indiana's section 111(d)/129 plan revision for SSI sources may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 62

Environmental protection, Air pollution control, Administrative practice and procedure, Intergovernmental relations, Reporting and recordkeeping requirements, Sewage sludge incinerators.

Dated: May 28, 2013.

Susan Hedman,

Regional Administrator, Region 5.

40 CFR part 62 is amended as follows:

PART 62—APPROVAL AND PROMULGATION OF STATE PLANS FOR DESIGNATED FACILITIES AND POLLUTANTS

■ 1. The authority citation for part 62 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart P—Indiana

■ 2. Add an undesignated center heading and §§ 62.3670, 62.3671, and 62.3672 to subpart P to read as follows:

Control of Air Emissions From Sewage Sludge Incinerators

§ 62.3670 Identification of plan.

On February 27, 2013, Indiana submitted a State Plan for implementing the emission guidelines for Sewage Sludge Incinerators (SSI). The enforceable mechanism for this State Plan is a State rule codified in 326 Indiana Administrative Code (IAC) 11–10. The rule was adopted on August 1, 2012, and became effective on November 1, 2012.

§ 62.3671 Identification of sources.

The Indiana State Plan for existing Sewage Sludge Incinerators (SSI) applies to all SSIs for which construction commenced on or before October 14, 2010 or for which a modification was commenced on or before September 21, 2011 primarily to comply with this rule.

§ 62.3672 Effective Date.

The Federal effective date of the Indiana State Plan for existing Sewage Sludge Incinerators is August 12, 2013.

[FR Doc. 2013–13724 Filed 6–10–13; 8:45 am]

BILLING CODE 6560–50–P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Institute of Museum and Library Services

45 CFR Part 1180

RIN 3137–AA21

Technical Amendments To Reflect the Authorizing Legislation of the Institute of Museum and Library Services

AGENCY: Institute of Museum and Library Services (IMLS), NFAH.

ACTION: Technical amendment; final rule.

SUMMARY: The Institute of Museum and Library amends its grants regulations by removing outdated regulations and making certain technical amendments to reflect Congress' reauthorization of the Institute of Museum and Library Services under the Museum and Library Services Act of 2010, as further amended by the Presidential Appointment Efficiency and Streamlining Act of 2011. The amendments also reorganize certain regulations to provide greater clarity for agency applicants and grantees.

DATES: Effective June 11, 2013.

FOR FURTHER INFORMATION CONTACT: Nancy E. Weiss, General Counsel, Institute of Museum and Library Services, 1800 M Street NW., Suite 900, Washington, DC 20036. Email: *nweiss@imls.gov.* Telephone: (202) 653–4640. Facsimile: (202) 653–4610.

SUPPLEMENTARY INFORMATION:

I. Technical Amendments and Removal of the Institute's Outdated Regulations

IMLS amends 45 CFR part 1180 to remove outdated regulations and make minor technical amendments to reflect Congress' reauthorization of the Institute of Museum and Library Services with the Museum and Library Services Act of 2010, Public Law 111–340 (December 22, 2010), as further amended by the Presidential Appointment Efficiency and Streamlining Act of 2011, Public Law 112–166 (August 10, 2012). These revisions are meant to fulfill the Institute's responsibility to its eligible grant applicants by ensuring that all regulations, policies, and procedures are up-to-date. The regulations being removed include regulations relating to programs and requirements no longer in existence at the Institute as a result of both agency practice and the Museum and Library Services Act of 2010, Public Law 111–340 (December 22, 2010), as further amended by the Presidential Appointment Efficiency and Streamlining Act of 2011, Public Law 112–166 (August 10, 2012). In the interests of economy of administration, and because all of the regulations to be removed are outdated and the technical amendments are minor, they are included in one rulemaking vehicle. Section 553 of the Administrative Procedure Act (APA), 5 U.S.C. 553(b)(B), provides that, when an agency for good cause finds that notice and public procedure are impracticable, unnecessary, or contrary to the public interest, the agency may issue a rule without providing notice and an opportunity for public comment. There is good cause for making this action final without prior proposal and opportunity for comment because the rule contains minor technical amendments that provide agency applicants and grantees with greater clarity and additional flexibility.

II. Matters of Regulatory Procedure

Regulatory Planning and Review (E.O. 12866)

Under Executive Order 12866, the Institute must determine whether the regulatory action is ''significant'' and therefore subject to OMB review and the requirements of the Executive Order. The Order defines a ''significant regulatory action'' as one that is likely to result in a rule that may: (1) Have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal

governments or communities; (2) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; (3) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

The rule removes a number of outdated regulations and makes technical amendments to reflect Congress' reauthorization of the Institute of Museum and Library Services under the Museum and Library Services Act of 2010, Public Law 111–340 (December 22, 2010), as further amended by the Presidential Appointment Efficiency and Streamlining Act of 2011, Public Law 112–166 (August 10, 2012). As such, it does not impose a compliance burden on the economy generally or on any person or entity. Accordingly, this rule is not a ''significant regulatory action'' from an economic standpoint, and it does not otherwise create any inconsistencies or budgetary impacts to any other agency or Federal Program.

Regulatory Flexibility Act

Because this rule removes outdated regulations and make certain technical amendments, the Institute has determined in Regulatory Flexibility Act (5 U.S.C. 601 et seq.) review that this rule will not have a significant economic impact on a substantial number of small entities because it simply makes technical amendments and removes outdated regulations.

Paperwork Reduction Act

This rule is exempt from the requirements of the Paperwork Reduction Act, since it removes existing outdated regulations and makes only technical amendments to reflect Congress' reauthorization of the Institute of Museum and Library Services under the Museum and Library Services Act of 2010, Public Law 111–340 (December 22, 2010), as further amended by the Presidential Appointment Efficiency and Streamlining Act of 2011, Public Law 112–166 (August 10, 2012). An OMB form 83–1 is not required.

Unfunded Mandates Reform Act

For purposes of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. chapter 25, subchapter II), this rule will not significantly or uniquely affect small governments and will not result in increased expenditures by State, local, and tribal governments, or by the private sector, of $100 million or more as adjusted for inflation) in any one year.

Small Business Regulatory Enforcement Fairness Act (SBREFA)

This rule is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. This rule:

a. Does not have an annual effect on the economy of $100 million or more.

b. Will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions.

c. Does not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises.

Takings (E.O. 12630)

In accordance with Executive Order 12630, the rule does not have significant takings implications. No rights, property or compensation has been, or will be, taken. A takings implication assessment is not required.

Federalism (E.O. 13132)

In accordance with Executive Order 13132, this rule does not have federalism implications that warrant the preparation of a federalism assessment.

Civil Justice Reform (E.O. 12988)

In accordance with Executive Order 12988, the Institute has determined that this rule does not unduly burden the judicial system and meets the requirements of sections 3(a) and 3(b)(2) of the Order.

Consultation with Indian tribes (E.O. 13175)

In accordance with Executive Order 13175, the Institute has evaluated this rule and determined that it has no potential negative effects on federally recognized Indian tribes.

National Environmental Policy Act

This rule does not constitute a major Federal action significantly affecting the quality of the human environment.

List of Subjects in 45 CFR Part 1180

Administrative practice and procedure, Government contracts, Grant programs-education, Grant programs-Indians, Cooperative agreements, Federal aid programs, Grants administration, Libraries, Museums, Nonprofit organizations, Colleges and universities, and Report and recordkeeping requirements.

For the reasons stated in the preamble and under the authority of 20 U.S.C. 9101 et seq., the Institute of Museum and Library Services amends 45 CFR part 1180 as follows:

PART 1180—GRANTS REGULATIONS

■ 1. The authority citation for part 1180 continues to read as follows:

Authority: 20 U.S.C. Section 9101 et seq.

■ 2. In § 1180.2, add the following sentence to the beginning of paragraph (b) introductory text:

§ 1180.2 Definition of a museum.

* * * * *

(b) The term ''museum'' in paragraph (a) of this section includes museums that have tangible and digital collections. * * *

* * * * *

■ 3. In § 1180.3, revise the definition of ''Board'' to read as follows:

§ 1180.3 Other definitions.

* * * * *

Board means the National Museum and Library Services Board established by The Museum and Library Services Act of 2003, Pub. L. 108–81 (20 U.S.C. 9105a), as amended.

* * * * *

■ 4. In § 1180.37, revise paragraph (a) to read as follows:

§ 1180.37 Rejection for technical deficiency—appeal; reconsideration; waiver.

(a) An applicant whose application is rejected because of technical deficiency may appeal such rejection in writing to the Director within 10 business days of electronic or postmarked notice of rejection, whichever is earlier.

* * * * *

■ 5. Revise § 1180.55 to read as follows:

§ 1180.55 Subgrants.

(a) A grantee may not make a subgrant unless expressly authorized by the Institute. In the event the Institute authorizes a subgrant, the grantee shall:

(1) Ensure that the subgrant includes any clauses required by Federal law as well as any program-related conditions imposed by the Institute;

(2) Ensure that the subgrantee is aware of the applicable legal and program requirements; and

(3) Monitor the activities of the subgrantee as necessary to ensure compliance with Federal law and program requirements.

(b) A grantee may contract for supplies, equipment, and services, subject to applicable law, including but not limited to applicable Office of

Management and Budget (OMB) Circulars and government-wide regulations.

Subpart D—[Removed]

■ 6. Subpart D, consisting of § 1180.70, is removed.

Dated: June 5, 2013.

Nancy E. Weiss,

General Counsel, Institute of Museum and Library Services.

[FR Doc. 2013–13730 Filed 6–10–13; 8:45 am]

BILLING CODE 7036–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 15

[ET Docket No. 10–26; FCC 13–59]

Definition of Auditory Assistance Device

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document modifies the definition of ''auditory assistance device'' in the Commission's rules to permit these devices to be used by anyone at any location for simultaneous language interpretation (simultaneous translation), where the spoken words are translated continuously in near real time. The revised definition permits unlicensed auditory assistance devices to be used to provide either auditory assistance or simultaneous translation, or both, without impeding these devices' capability to provide auditory assistance to persons with disabilities. This document also lowers the limit for these auditory assistance devices' unwanted emissions to the limits provided for other unlicensed devices in the Commission's rules.

DATES: Effective July 11, 2013.

FOR FURTHER INFORMATION CONTACT: Patrick Forster, (202) 418–7061, Policy and Rules Division, Office of Engineering and Technology, (202) 418–2290, *Patrick.Forster@fcc.gov*.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Report and Order,* ET Docket No. 10–26, adopted May 1, 2013, and released May 2, 2013, FCC 13–59. The full text of the *Report and Order* is available on the Commission's Internet site at *www.fcc.gov*. It is also available for inspection and copying during regular business hours in the FCC Reference Center (Room CY–A257), 445 12th Street SW., Washington, DC 20554. The full text of the *Report and Order* also may be purchased from the Commission's duplication contractor, Best Copy and Printing Inc., Portals II, 445 12th St. SW., Room CY–B402, Washington, DC 20554; telephone (202) 488–5300; fax (202) 488–5563; email *FCC@BCPIWEB.COM*.

Summary of the Report and Order

1. The *Report and Order* modified the definition of ''auditory assistance device'' in part 15 of the Commission's rules to expand the permissible uses of these devices beyond solely providing auditory assistance to persons with disabilities (*e.g.,* amplification of sounds for the hard of hearing and audio description for the blind) to include simultaneous translation for anyone at any location. This action harmonized the part 15 definition of ''auditory assistance device'' with the definition of ''auditory assistance communications'' in part 95 of the Commission's rules. Under this expanded definition, part 15 auditory assistance devices that operate in the 72–73 MHz, 74.6–74.8 MHz, and 75.2–76 MHz (72–76 MHz) bands on an unlicensed basis may provide auditory assistance or simultaneous translation, or both, to anyone at any location.

2. The *Report and Order* also lowered the limit for part 15 auditory assistance devices' unwanted emissions to the limits that are provided in § 15.209 of the Commission's rules to help reduce the likelihood that the unwanted emissions from increased use of these devices for simultaneous translation will degrade the reception of very high frequency television (VHF TV) channels 2–4 (54–72 MHz) and 5–6 (76–88 MHz) and help improve the reception of VHF TV service.

3. On September 9, 2011, the Commission adopted an *Order and Notice of Proposed Rulemaking* (*Auditory Assistance Device NPRM*) in this proceeding in which it proposed to modify the part 15 definition of ''auditory assistance device'' to expand the permissible uses of these devices to include simultaneous language interpretation by any person at any location, in the same manner as permitted under part 95 for Low Power Radio Service stations that operate in the 216–217 MHz band. The Commission took this action in response to a petition for declaratory ruling filed by Williams Sound Corporation (Williams Sound), a provider of wireless auditory assistance devices.

4. In the *Auditory Assistance Device NPRM,* the Commission sought comment on the advantages and disadvantages and potential benefits of expanding the permissible uses of part 15 auditory assistance devices and any qualitative or quantitative costs associated with this proposal. It also sought comment on whether increased use of part 15 auditory assistance devices for simultaneous language interpretation would increase the potential for harmful interference to authorized services in the 72–76 MHz and adjacent bands and whether additional safeguards or changes to the technical requirements for these devices would be necessary to prevent harmful interference to those services. In addition, the Commission sought comment on whether a more restrictive limit for part 15 auditory assistance devices' out-of-band emissions is needed to prevent harmful interference to authorized services in the 72–76 MHz and adjacent bands and improve the reception of VHF TV channels 2–6.

5. Part 15 auditory assistance devices may operate in a full duplex mode of operation using necessary bandwidths up to 200 kilohertz wide. All fundamental emissions must be contained wholly within the 72–73 MHz, 74.6–74.8 MHz, and 75.2–76 MHz bands with a maximum field strength of 80 millivolts per meter (mV/m) measured at a distance of 3 meters, which is equivalent to a maximum effective radiated power (ERP) of 1.2 milliwatts (mW). The field strength of any unwanted emissions (emissions outside of the 200 kilohertz necessary bandwidth) must not exceed 1,500 microvolts per meter (μV/m) measured at a distance of 3 meters, which is equivalent to an ERP of 0.4 microwatts (μW). In the *Auditory Assistance Device NPRM,* the Commission asked what out-of-band emissions limit would be appropriate—the § 15.209 limit, the unlicensed TV bands device limit, or some other limit—what would be an appropriate transition period for compliance, and whether currently approved part 15 auditory assistance devices should be grandfathered for a limited time or permanently. In the *Report and Order,* the Commission noted that although it used the term ''out-of-band'' emissions in the *Auditory Assistance Devices NPRM* when referring to emissions outside of the frequency bands in which the auditory assistance devices operate (paras. 20 and 21), the correct term to describe the emissions outside of the necessary bandwidth of the transmitting system is ''unwanted'' emissions, and so it used the term ''unwanted'' emissions where appropriate throughout the *Report and Order.*

Discussion

6. In the *Report and* Order, the Commission modified the definition of

''auditory assistance device'' in part 15 of its rules to expand the permissible uses of these devices to include simultaneous language interpretation. The expanded definition permits the use of part 15 auditory assistance devices by any person requiring translation services at any location. The Commission concluded that the public interest would be served by expanding the permissible uses of part 15 auditory assistance devices to include simultaneous translation. It also concluded that the benefits of expanding service to the public far outweighed any additional costs associated with implementing these changes. The majority of commenters, providers of auditory assistance devices and/or services, submitted that expanding the permissible uses of part 15 auditory assistance devices to include simultaneous interpretation would be in the public interest. The majority of commenters also agreed with the Commission's tentative assessment that expanding the permissible uses of part 15 auditory assistance devices to include simultaneous translation would not increase costs to the public.

7. The Commission agreed that expanding the permissible uses of part 15 auditory assistance devices to include simultaneous translation was in the public interest and would not increase costs. It determined that permitting part 15 auditory assistance devices to be used for simultaneous translation could reduce the costs of translation services by increasing competition and allowing providers to use less expensive RF equipment for simultaneous translation instead of higher-cost infrared technology equipment. It also determined that expanding these devices permissible uses would likely reduce auditory assistance equipment costs, result in economies of scale in production and marketing, and introduce more competition for such devices. The Commission decided that this action would promote more flexible and efficient use of part 15 auditory assistance devices by allowing them to be used for either auditory assistance or simultaneous translation, or both, without impeding their ability to provide auditory assistance to persons with disabilities. It also decided that permitting such use of these devices would increase the comprehension of persons that need language translation in public venues while lowering the ambient noise level for all listeners, thereby enhancing the auditory experience of all listeners.

8. The Commission was not persuaded that allowing part 15 auditory assistance devices to be used for simultaneous language interpretation would penalize entities that provide translation services via higher-cost infrared technology equipment. Instead, it determined that the marketplace provides the best measure for determining which technology is optimal for addressing the translation needs of users. This approach would permit each interpreter to analyze customers' needs in its market area and employ the technology that best meets their needs. For example, some customers may prefer the inherent security and privacy of infrared technology over the capabilities of RF technology. The Commission also decided that part 15 auditory assistance devices' use of the 72–76 MHz bands should not be limited only to providing assistance to persons with disabilities under the Americans with Disabilities Act of 1990 (ADA). Although part 15 auditory assistance devices had previously been restricted under the Commission's rules to solely providing aural assistance to persons with disabilities, unlicensed use of the 72–76 MHz bands is not restricted under the ADA or the Communications Act of 1934 to only uses covered by the ADA.

9. The Commission also concluded that permitting part 15 auditory assistance devices to be used for simultaneous language interpretation would not, *per se,* increase the potential for harmful interference (*i.e.,* interference that seriously degrades, obstructs, or repeatedly interrupts a radicommunication service) to authorized services in the 72–76 MHz and adjacent bands, especially since no commenter had expressed concern that increased use of part 15 auditory assistance devices for simultaneous interpretation would cause harmful interference to authorized services. As the Commission noted in the *Auditory Assistance Device NPRM,* the interference potential of a part 15 auditory assistance device is generally unrelated to the number of users or type of use. Rather, the interference potential is a function of the device's operating characteristics and parameters. There is no difference in the interference potential of a part 15 auditory assistance device whether it is used for auditory assistance or simultaneous translation.

10. The Commission agreed with commenters that the existing limit for part 15 auditory assistance devices' fundamental emissions was already sufficient to prevent increased use of these devices for simultaneous translation from causing harmful interference to authorized services. The absence of any reports of harmful interference to date supported this conclusion. It also noted that although the locations and channels where part 15 auditory assistance devices are operated may increase by expanding their permissible uses to include simultaneous translation, the market for and use of these devices should remain limited and they would not be ubiquitously deployed. The Commission expected that this outcome, coupled with their relatively low fundamental emissions limit, would help prevent increased use of part 15 auditory assistance devices for simultaneous translation from causing harmful interference to authorized services.

11. The Commission was not persuaded that increased use of part 15 auditory assistance devices for simultaneous translation would interfere with other part 15 auditory assistance devices providing auditory assistance by ''crowding'' the frequencies. As noted, these devices' fundamental signals may transmit in bandwidths up to 200 kilohertz wide in the 72–73 MHz, 74.6 74.8 MHz, and 75.2–76 MHz bands, so ample spectrum would be available for multiple applications. Further, part 15 auditory assistance devices' low power levels would enable other parties to re-use their frequencies at nearby locations.

12. With respect to part 15 auditory assistance devices' unwanted emissions (*i.e.,* emissions outside of the 200 kilohertz necessary bandwidths), comments were mixed on whether the Commission should modify the limit for these emissions. In the *Auditory Assistance Device NPRM,* the Commission proposed that part 15 auditory assistance devices' out-of-band emissions limit be lowered to the general emissions limits for other unlicensed devices that are specified in rule § 15.209. The Commission noted that expanding the permissible use of these devices at any location could increase their use at locations where they are not also used to provide auditory assistance to disabled individuals as well as increase the number of channels operated at any given location to provide both auditory assistance and simultaneous translation. Out of concern that the unwanted emissions from increased use of part 15 auditory assistance devices for simultaneous interpretation could degrade the reception of particularly sensitive VHF TV channels 2–6, the Commission decided to lower the unwanted emissions limit of part 15 auditory assistance devices to the emissions limit in § 15.209 that is applicable to other unlicensed devices.

13. The current allowed unwanted emissions limit of 1,500 μV/m at 3 meters for part 15 auditory assistance devices that operate in the 72–76 MHz bands is 15 times higher (23.5 dB more power) than the § 15.209 emissions limit of 100 μV/m at 3 meters that applies to most other part 15 devices' unwanted emissions in the 72–76 MHz and adjacent bands. It is also 18 times higher (25 dB more power) than the unwanted emissions limit of 84 μV/m at 3 meters that applies to part 15 personal/portable TV bands devices that operate in bands adjacent to occupied TV channels. Accordingly, the Commission lowered the limit for part 15 auditory assistance devices unwanted emissions to the general emission limits for other unlicensed devices that are specified in rule § 15.209. Although part 15 auditory assistance devices had not had a history of causing harmful interference to authorized services under the current rules, the Commission decided that this approach would help reduce the likelihood of harmful interference as their use increases and help improve the reception of VHF TV channels 2–6 and accordingly was in the public interest.

14. In support of this decision, the Commission noted in the *Report and Order* that since the time that it adopted the rules for part 15 auditory assistance device transmitters in 1972, all full service TV stations have converted from analog to digital transmissions. The Commission also noted that it had previously sought comment on measures to improve digital TV reception for consumers on VHF channels and encourage broadcasters to use these channels in the future. It further noted that one of the problems with indoor VHF TV reception is the high levels of noise on those channels from nearby consumer electronics equipment and that the Commission had previously stated that it would be desirable to reduce that noise and sought comment on what actions it might take to reduce such noise in the VHF TV bands.

15. In addition, since the Commission adopted the *Auditory Assistance Device NPRM,* the ''Middle Class Tax Relief and Job Creation Act of 2012'' (Spectrum Act) was enacted to enable the Commission to make more efficient use of the TV bands spectrum by freeing up broadcast TV spectrum for wireless broadband services. Section 6403(a)(2) of the Spectrum Act directs the Commission to conduct a reverse auction of broadcast television spectrum that includes, *inter alia,* a bid option for participants' voluntary relinquishment of ''all usage rights with respect to an ultra high frequency television channel in return for receiving usage rights with respect to a very high frequency television channel . . .'' (UHF to VHF bid). In the incentive auction proceeding, the Commission sought comment on whether to permit eligible licensees to participate in the auction by agreeing to relinquish a high VHF channel in exchange for a low VHF channel. In that proceeding, the Commission again recognized that increased signal interference caused by the higher levels of ambient noise from other electronic devices operating on or near the low VHF frequency range can make the use of the low VHF channels difficult and could deter reverse auction participation.

16. The Commission decided that commenters'contention that most increased use of part 15 auditory assistance devices for simultaneous translation would not be proximate to VHF TV reception areas was not compelling—it was not self-evident, it disregarded the consequences of harmful interference where it could occur, and it disregarded locations at which these frequencies could be used post-auction. In light of its efforts to make the VHF channels more useful to broadcasters by improving the reception of VHF digital TV and consistent with the objectives in the Spectrum Act, the Commission concluded that it is in the public interest and sound public policy to require part 15 auditory assistance devices' unwanted emissions to comply with the § 15.209 emissions limits. The Commission provided a transition period to implement this requirement, and grandfathered all devices installed prior to the end of the transition period. The Commission was persuaded by the record that reducing the unwanted emissions limit of part 15 auditory assistance devices to the § 15.209 emissions limits could be accomplished using current technology at minimal cost, and that the § 15.209 emissions limits were achievable in part 15 auditory assistance devices using industry standard components employing relatively straight-forward designs at a small additional cost of 1 to 2 percent per device.

17. The Commission agreed with commenters that the 18-month and 3-year transition periods it had proposed should provide sufficient time for manufacturers to design part 15 auditory assistance devices with unwanted emissions that comply with § 15.209, obtain equipment certification, and plan the transition for manufacturing transmitters with the new design. It provided an 18-month transition period after the effective date of the new rules during which part 15 auditory assistance devices may continue to be certified under the current rules for such devices in § 15.237; after that time no such equipment will be certified unless its unwanted emissions are compliant with § 15.209. It also provided an additional 18 months during which such equipment certified under the current § 15.237 rules may continue to be manufactured and imported. After this 3-year period, no such equipment may be manufactured or imported unless its unwanted emissions are compliant with § 15.209. There is no deadline on the marketing of equipment that was manufactured or imported prior to the end of this 3-year period.

18. Beginning 18 months after the effective date of the new rules, equipment certification may no longer be obtained for part 15 auditory assistance devices with unwanted emissions that do not meet the § 15.209 limits. Until the end of the 3-year transition period, the Commission will permit Class II permissive changes for equipment certified prior to the 18-month transition date, as well as their continued manufacture, marketing, installation, and importation. After the end of the 3-year transition period, Class II permissive changes for such devices will not be permitted nor will their manufacture, marketing, installation, or importation. The Commission found that these requirements would facilitate the transition to tighter unwanted emissions limits without unduly impairing the availability or cost of part 15 auditory assistance devices or imposing undue burdens on manufacturers, translation services providers, or the public.

19. The Commission agreed with commenters that part 15 auditory assistance devices that are already installed or in use should be grandfathered for the life of the equipment. It decided that requiring the upgrade or replacement of existing part 15 auditory assistance devices with units having unwanted emissions that comply with the § 15.209 emissions limits would be an unnecessary financial burden on operators of these devices and could inhibit the ability of operators of public venues to provide auditory assistance to persons with disabilities as required by the ADA. It also decided that grandfathering existing equipment would ensure that entities will be permitted to operate their existing part 15 auditory assistance devices until replacement is necessary or desired due to age, malfunction, or other concerns, and would facilitate continued compliance with the ADA.

20. The Commission amended the definition of ''auditory assistance device'' in part 15 of the rules to expand the permissible uses of these devices to include simultaneous language interpretation for anyone at any location. It also amended § 15.237 to require that part 15 auditory assistance devices' unwanted emissions comply with the § 15.209 emissions limits. In addition, it established a 3-year transition period after the effective date of the rules adopted in this proceeding for manufacturers to cease the domestic manufacture or importation for domestic sale of part 15 auditory assistance devices that do not comply with the revised unwanted emissions limits. The Commission also established a cutoff date of 18 months after the effective date of the new rules after which unwanted emissions from new part 15 auditory assistance devices must comply with the § 15.209 emissions limits in order to order to receive an equipment authorization. Except for the tighter unwanted emissions limits, the other administrative and technical requirements for operation of part 15 auditory assistance devices in the 72–73 MHz, 74.6–74.8 MHz, and 75.2–76 MHz bands remained unchanged.

Paperwork Reduction Analysis

21. This document does not contain new or modified information collection requirements subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104–13.

Congressional Review Act

22. The Commission will send a copy of this *Report and Order,* in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A).

Final Regulatory Flexibility Analysis

23. As required by the Regulatory Flexibility Act of 1980, as amended (RFA),[1] an Initial Regulatory Flexibility Analysis (IRFA) was incorporated in the *Notice of Proposed Rulemaking* (*Auditory Assistance Device NPRM*) in ET Docket No. 10–26.[2] The Commission sought written public comment on the proposals in the *Auditory Assistance Device NPRM,* including comment on the IRFA. This present Final Regulatory Flexibility Analysis (FRFA) conforms to the RFA.[3]

A. Need for, and Objectives of, the Report and Order

24. In the *Report and Order,* the Commission expanded the permissible uses of part 15 auditory assistance devices that operate in the 72.0–73.0 MHz, 74.6–74.8 MHz, and 75.2–76 MHz bands (72–76 MHz bands) beyond solely aural assistance for persons with disabilities to include simultaneous language interpretation for anyone at any location. It also reduced the limit for part 15 auditory assistance devices' unwanted emissions to the radiated emissions limits specified in § 15.209. The objectives of the Commission in the *Report and Order* were to allow part 15 auditory assistance devices to be used for simultaneous translation by anyone at any location, remove barriers to communications, provide greater flexibility and enhanced benefits for persons wishing to use auditory assistance technologies, expand the opportunities to deploy auditory assistance devices, and improve the reception of VHF TV channels 2–6.

B. Summary of Significant Issues Raised by Public Comments in Response to the IRFA

25. No public comments were received in response to the IRFA in the *Auditory Assistance Device NPRM.* However, in general comments on the *Auditory Assistance Device NPRM,* some commenters raised issues that might affect small entities. In particular, one commenter argued that allowing part 15 auditory assistance devices to be used for simultaneous translation would penalize entities that have purchased higher-cost infrared technology equipment to provide simultaneous translation. One commenter also argued that use of part 15 auditory assistance devices for simultaneous translation is not an Americans with Disabilities Act (ADA) of 1990 use and would interfere or disrupt other part 15 auditory assistance devices by crowding the frequencies. Commenters also requested that if the Commission imposed stricter out-of-band emissions limits on part 15 auditory assistance devices, then a transition period for compliance with the new limits should be established and existing part 15 auditory assistance devices should be grandfathered for the life of the equipment. The Commission carefully considered each of these comments in reaching the decisions set forth in the *Report and Order.*

C. Response to Comments by the Chief Counsel for Advocacy of the Small Business Administration

26. Pursuant to the Small Business Jobs Act of 2010, the Commission is required to respond to any comments filed by the Chief Counsel for Advocacy of the Small Business Administration (SBA), and to provide a detailed statement of any change made to the proposed rules as a result of those comments. The Chief Counsel did not file any comments in response to the proposed rules in this proceeding.

D. Description and Estimate of the Number of Small Entities to Which the Rule Will Apply

27. The RFA directs agencies to provide a description of and, where feasible, an estimate of the number of small entities that may be affected by the proposed rules, if adopted.[4] The RFA generally defines the term ''small entity'' as having the same meaning as the terms ''small business,'' ''small organization,'' and ''small governmental jurisdiction.'' In addition, the term ''small business'' has the same meaning as the term ''small business concern'' under the Small Business Act.[5] A small business concern is one which: (1) is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the SBA.[6]

28. *Small Businesses, Small Organizations, and Small Governmental Jurisdictions.* The Commission's actions may, over time, affect small entities that are not easily categorized at present. It therefore described here, at the outset, three comprehensive, statutory small entity size standards that encompass entities that could be directly affected by the proposals under consideration.[7] As of 2009, small businesses represented 99.9 percent of the 27.5 million businesses in the United States, according to the SBA.[8] Additionally, a

[1] *See* 5 U.S.C. 603. The RFA, *see* 5 U.S.C. 601—612, has been amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), Public Law 104–121, Title II, 110 Stat. 857 (1996).

[2] *See* Amendment of part 15 of the Commission's rules to Amend the Definition of Auditory Assistance Devices in Support of Simultaneous Language Interpretation, ET Docket No. 10–26, *Order and Notice of Proposed Rulemaking,* 26 FCC Rcd 13600, 13612–14 (2012) (*Auditory Assistance Device NPRM*).

[3] *See* 5 U.S.C. 604.

[4] *Id.* at 603(b)(3).

[5] 5 U.S.C. 601(3) (incorporating by reference the definition of ''small business concern'' in 15 U.S.C. 632). Pursuant to the RFA, the statutory definition of a small business applies ''unless an agency, after consultation with the Office of Advocacy of the Small Business Administration and after opportunity for public comment, establishes one or more definitions of such term which are appropriate to the activities of the agency and publishes such definition(s) in the **Federal Register**.'' 5 U.S.C. 601(3).

[6] Small Business Act, 15 U.S.C. 632 (1996).

[7] *See* 5 U.S.C. 601(3)–(6).

[8] *See* SBA, Office of Advocacy, ''Frequently Asked Questions,'' available at *http://web.sba.gov/*

Continued

''small organization'' is generally ''any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.'' [9] Nationwide, as of 2007, there were approximately 1,621,315 small organizations.[10] Finally, the term ''small governmental jurisdiction'' is defined generally as ''governments of cities, counties, towns, townships, villages, school districts, or special districts, with a population of less than fifty thousand.'' [11] Census Bureau data for 2007 indicate that there were 89,527 governmental jurisdictions in the United States.[12] The Commission estimated that, of this total, as many as 88,761 entities may qualify as ''small governmental jurisdictions.'' [13] Thus, the Commission estimated that most governmental jurisdictions are small.

29. *Fixed Microwave Services.* Fixed microwave services include common carrier,[14] private operational-fixed,[15] and broadcast auxiliary radio services.[16] At present, there are approximately 22,015 common carrier fixed licensees and 61,670 private operational-fixed licensees and broadcast auxiliary radio licensees in the microwave services. The Commission had not created a size standard for a small business specifically with respect to fixed microwave services. For purposes of this analysis, the Commission used the SBA small business size standard for the category Wireless Telecommunications Carriers (except Satellite), which is 1,500 or fewer employees.[17] The Commission did not have data specifying the number of these licensees that have no more than 1,500 employees, and thus it was unable to estimate with greater precision the number of fixed microwave service licensees that would qualify as small business concerns under the SBA's small business size standard. Consequently, the Commission estimated that there are 22,015 or fewer common carrier fixed licensees and 61,670 or fewer private operational-fixed licensees and broadcast auxiliary radio licensees in the microwave services that may be small and may be affected by the rules and policies proposed herein. The Commission noted, however, that the common carrier microwave fixed licensee category includes some large entities.

30. *Wireless Equipment Manufacturers.* This industry is comprised of businesses primarily engaged in manufacturing radio, television broadcast, and wireless communications equipment. Examples of products made by these establishments are: transmitting and receiving antennas, cable television equipment, cordless phones, global positioning system (GPS) equipment, pagers, cellular phones, mobile communications equipment, and radio and television studio and broadcasting equipment.[18] In this category, the SBA has deemed a business manufacturing radio and television broadcasting equipment, wireless telecommunications equipment, or both, to be small if it has fewer than 750 employees.[19] For this category of manufacturing, Census data for 2007 showed that there were 919 firms that operated that year. Of those establishments, 531 had between 1 and 19 employees; 240 had between 20 and 99 employees; and 148 had more than 100 employees.[20] Since 771 establishments had fewer than 100 employees, and since only 148 had more than 100 employees, the vast majority of manufacturers in this category would be considered small under applicable standards. The rules adopted in the *Report and Order* will apply to small businesses that choose to use, manufacture, design, import, or sell part 15 auditory assistance devices. There is no requirement, however, for any entity to use, market, or produce these types of products.

E. Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements for Small Entities

31. The *Report and Order* expanded the permissible uses of part 15 auditory assistance devices to include simultaneous language interpretation for anyone at any location and reduced the permitted level of part 15 auditory assistance devices' unwanted emissions to the § 15.209 emissions limits. The item did not contain any new reporting or recordkeeping requirements.

32. After 18 months after the effective date of the new rules in this proceeding, the unwanted emissions of part 15 auditory assistance devices submitted for equipment authorization must comply with the § 15.209 emissions limits. After 3 years of the effective date of the new rules, the unwanted emissions of part 15 auditory assistance devices manufactured or imported for sale in the U.S. must comply with the emissions limits in § 15.209. Manufacturers will incur engineering services and production costs to design and produce part 15 auditory assistance devices whose unwanted emission comply with the § 15.209 emission's limits. The § 15.209 emissions limits are currently achievable for part 15 auditory assistance devices' unwanted emissions at an estimated additional cost of 1 to 2 percent per device using industry standard components employing relatively straight-forward designs.[21] The Commission expected that these costs will be comparable for large and small entities.

faqs/faqindex.cfm?areaID=24 (last visited Aug. 31, 2012).

[9] 5 U.S.C. 601(4).

[10] Independent Sector, The New Nonprofit Almanac & Desk Reference (2010).

[11] 5 U.S.C. 601(5).

[12] U.S. CENSUS BUREAU, STATISTICAL ABSTRACT OF THE UNITED STATES: 2011, Table 427 (2007).

[13] The 2007 U.S Census data for small governmental organizations are not presented based on the size of the population in each such organization. There were 89,476 local governmental organizations in 2007. The Commission assumed that county, municipal, township, and school district organizations are more likely than larger governmental organizations to have populations of 50,000 or less, the total of these organizations is 52,095. The Commission made the same population assumption about special districts, specifically that they are likely to have a population of 50,000 or less, and also assumed that special districts are different from county, municipal, township, and school districts, in 2007 there were 37,381 such special districts. Therefore, there are a total of 89,476 local government organizations. As a basis of estimating how many of these 89,476 local government organizations were small, in 2011, the Commission noted that there were a total of 715 cities and towns (incorporated places and minor civil divisions) with populations over 50,000. CITY AND TOWNS TOTALS: VINTAGE 2011—U.S. Census Bureau, *available at http://www.census.gov/popest/data/cities/totals/2011/index.html.* The Commission subtracted the 715 cities and towns that meet or exceed the 50,000 population threshold, and concluded that approximately 88,761 are small. U.S. CENSUS BUREAU, STATISTICAL ABSTRACT OF THE UNITED STATES 2011, Tables 427, 426 (Data cited therein are from 2007).

[14] *See* 47 CFR part 101 *et seq.* for common carrier fixed microwave services (except Multipoint Distribution Service).

[15] Persons eligible under parts 80 and 90 of the Commission's rules can use Private Operational-Fixed Microwave services. *See* 47 CFR parts 80 and 90. Stations in this service are called operational-fixed to distinguish them from common carrier and public fixed stations. Only the licensee may use the operational-fixed station and only for communications related to the licensee's commercial, industrial, or safety operations.

[16] Auxiliary Microwave Service is governed by part 74 of title 47 of the Commission's rules. *See* 47 CFR part 74. This service is available to licensees of broadcast stations and to broadcast and cable network entities. Broadcast auxiliary microwave stations are used for relaying broadcast television signals from the studio to the transmitter, or between two points such as a main studio and an auxiliary studio. The service also includes mobile television pickups, which relay signals from a remote location back to the studio.

[17] 13 CFR 121.201, NAICS code 517210.

[18] *http://www.census.gov/econ/industry/def/d334220.htm.*

[19] *See* 13 CFR 121.201, NAICS code 334220.

[20] *http://factfinder.census.gov/servlet/IBQTable?_bm=y&-geo_id=&-_skip=300&-ds_name=EC0731I1&-_lang=en.*

[21] *See* Williams Sound comments at 3.

F. Steps Taken To Minimize Significant Economic Impact on Small Entities, and Significant Alternatives Considered

33. The RFA requires an agency to describe any significant alternatives that it has considered in reaching its proposed approach, which may include the following four alternatives (among others): (1) The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance or reporting requirements under the rule for small entities; (3) the use of performance, rather than design, standards; and (4) an exemption from coverage of the rule, or any part thereof, for small entities.[22]

34. To reduce the burdens on small entities, the Commission provided a 3-year transition period for manufacturers to produce new part 15 auditory assistance devices with unwanted emissions that comply with the § 15.209 emissions limits, after which the domestic manufacture and importation for domestic sale of part 15 auditory assistance devices with unwanted emissions that do not meet these lower emissions limits must cease. However, there is no limit on the marketing of part 15 auditory assistance devices manufactured or imported prior to the end of this 3-year transition period. In addition, the Commission provided 18 months after the effective date of the new rules in this proceeding for manufacturers to produce part 15 auditory assistance devices with unwanted emissions that comply with the § 15.209 emissions limits in order to receive an equipment authorization. The Commission determined that this should provide sufficient time for manufacturers to obtain equipment authorization from the Commission for any part 15 auditory assistance devices currently under development under the current rules and to design and submit to the Commission equipment authorization applications for part 15 auditory assistance devices with unwanted emissions that comply with the § 15.209 emissions limits. It also determined that his approach would facilitate the lowering of part 15 auditory assistance devices' unwanted emissions to the § 15.209 emissions limits without unduly impairing the availability or cost of these devices. To avoid imposing unnecessary financial burdens on entities that produce, market, or operate part 15 auditory assistance devices, the Commission permitted part 15 auditory assistance devices that have already been installed or are in use prior to the end of the 3-year transition period to be operated without a cutoff date without having to meet the § 15.209 emissions limits.

Paperwork Reduction Analysis

35. This document does not contain any new or modified information collection requirements subject to the Paperwork Reduction Act of 1995 (PRA). Public Law 104–13.

Congressional Review Act

36. The Commission will send a copy of the *Report and Order,* including this FRFA, in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act.[23] In addition, the Commission will send a copy of the *Report and Order,* including this FRFA, to the Chief Counsel for Advocacy of the SBA.

Ordering Clauses

37. Pursuant to §§ 4(i), 302, 303(e), 303(f), and 307 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 302a, 303(e), 303(f), and 307, that this *Report and Order* in ET Docket No. 10–26 is hereby ADOPTED, and part 15 of the Commission's rules *is amended* as set forth in Final Rules effective July 11, 2013.

38. The Consumer and Governmental Affairs Bureau, Reference Information Center, *shall send* a copy of this *Report and Order,* including the Final Regulatory Flexibility Certification, to the Chief Counsel for Advocacy of the Small Business Administration.

List of Subjects in 47 CFR Part 15

Communications equipment, Radio, Reporting and recordkeeping requirements.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

Final Rules

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR part 15 as follows:

PART 15—RADIO FREQUENCY DEVICES

■ 1. The authority citation for part 15 continues to read as follows:

Authority: 47 U.S.C. 154, 302a, 303, 304, 307, 336, 544a and 549.

■ 2. Section 15.3 is amended by revising paragraph (a) to read as follows:

§ 15.3 Definitions.

(a) *Auditory assistance device.* An intentional radiator used to provide auditory assistance communications (including but not limited to applications such as assistive listening, auricular training, audio description for the blind, and simultaneous language translation) for:

(1) Persons with disabilities: In the context of part 15 rules (47 CFR part 15), the term ''disability,'' with respect to the individual, has the meaning given to it by section 3(2)(A) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102(2)(A)), *i.e.,* a physical or mental impairment that substantially limits one or more of the major life activities of such individuals;

(2) Persons who require language translation; or

(3) Persons who may otherwise benefit from auditory assistance communications in places of public gatherings, such as a church, theater, auditorium, or educational institution.

* * * * *

■ 3. Section 15.37 is amended by adding paragraph (g) to read as follows:

§ 15.37 Transition provisions for compliance with the rules.

* * * * *

(g) The manufacture or importation of auditory assistance devices that operate in the 72.0–73.0 MHz, 74.6–74.8 MHz, and 75.2–76.0 MHz bands that do not comply with the requirements of § 15.237(c) shall cease on or before July 11, 2016. Effective January 12, 2015, equipment approval will not be granted for auditory assistance devices that operate in the 72.0–73.0 MHz, 74.6–74.8 MHz, and 75.2–76.0 MHz bands that do not comply with the requirements of § 15.237(c). These rules do not prohibit the sale or use of authorized auditory assistance devices that operate in the 72.0–73.0 MHz, 74.6–74.8 MHz, and 75.2–76.0 MHz bands manufactured in the United States, or imported into the United States, prior to July 11, 2016.

■ 4. Section 15.237 is amended by revising paragraph (c) to read as follows:

§ 15.237 Operation in the bands 72.0–73.0 MHz, 74.6–74.8 MHz and 75.2–76.0 MHz.

* * * * *

(c) The field strength within the permitted 200 kHz band shall not exceed 80 millivolts/meter at 3 meters. The field strength of any emissions radiated on any frequency outside of the specified 200 kHz band shall not exceed the general radiated emissions limits specified in § 15.209. The emission limits in this paragraph are based on measurement instrumentation employing an average detector. The

[22] 5 U.S.C. 603(c).

[23] *See* 5 U.S.C. 801(a)(1)(A).

provisions in § 15.35 for limiting peak emissions apply.

[FR Doc. 2013–13696 Filed 6–10–13; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 130219149–3524–03]

RIN 0648–BC97

Revisions to Framework Adjustment 50 to the Northeast Multispecies Fishery Management Plan and Sector Annual Catch Entitlements; Updated Annual Catch Limits for Sectors and the Common Pool for Fishing Year 2013

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Temporary final rule; adjustment to specifications.

SUMMARY: Based on the final Northeast (NE) multispecies sector rosters submitted as of May 1, 2013, we are adjusting the fishing year (FY) 2013 specification of annual catch limits for commercial groundfish vessels, as well as sector annual catch entitlements for groundfish stocks. This revision to fishing year 2013 catch levels is necessary to account for changes in the number of participants electing to fish in either sectors or the common pool fishery.

DATES: Effective June 10, 2013, through April 30, 2014.

FOR FURTHER INFORMATION CONTACT: Allison Murphy, Fishery Policy Analyst, (978) 281–9122.

SUPPLEMENTARY INFORMATION: The New England Fishery Management Council (Council) developed Amendment 16 to the NE Multispecies Fishery Management Plan (FMP), in part, to establish a process for setting groundfish annual catch limits (also referred to as ACLs or catch limits) and accountability measures. The Council has a biennial review process to develop catch limits and revise management measures. Framework Adjustment (FW) 50 and concurrent emergency actions set annual catch limits for nine groundfish stocks and three jointly managed U.S./Canada stocks for FY 2013–2015. We recently partially approved FW 50, which became effective on May 1, 2013 (78 FR 26172; May 3, 2013). In addition to the specification set by FW 50, we took emergency action to set the catch limits for Georges Bank (GB) yellowtail flounder and white hake. For more information on these emergency actions, please see the preamble to FW 50.

Along with FW 50 and the concurrent emergency rule, we recently approved FY 2013 sector operations plans and allocations (78 FR 25591; May 2, 2013; ''sector rule''). A sector receives an allocation of each stock, or annual catch entitlement (referred to as ACE, or allocation), based on its members' catch histories. State-operated permit banks also receive an allocation that can be transferred to qualifying sector vessels (for more information, see the final rule implementing Amendment 17 (77 FR 16942; March 23, 2012)). The sum of all sector and state-operated permit bank allocations is referred to as the sector sub-ACL in the FMP. Whatever groundfish allocation remains after sectors and state-operated permit banks receive their allocations is then allocated to vessels not enrolled in a sector (referred to as the common pool). This allocation is also referred to as the common pool sub-ACL.

Changes in sector membership require ACL and ACE adjustments. This rule adjusts the FY 2013 sector and common pool allocations based on final sector membership as of May 1, 2013. Permitted vessels that wish to fish in a sector must enroll by December 1 of each year, with the fishing year beginning the following May 1 and lasting through April 30 of the next year. However, due to a delay in distributing each vessel's potential contribution to a sector's quota for FY 2013, we delayed the deadline to join a sector until March 29, 2013. Because this deadline followed the publication of the FW 50 and sector proposed rules, FY 2012 membership was used to estimate sector ACEs for FY 2013. In addition, vessels had until April 30, 2013 (the day before the beginning of FY 2013) to drop out of a sector and fish in the common pool. If the sector allocation increases as a result of sector membership changes, the common pool allocation decreases—the opposite is true as well. Because sector membership has changed since FY 2012, which was used in the FW 50 and sector rules, we need to update the allocations to all sectors and to the common pool.

The final number of permits enrolled in a sector or state-operated permit bank for FY 2013 is 851 (the same number of permits enrolled in FY 2012 and a decrease of 3 permits from March 29, 2013). All sector allocations assume that each NE multispecies vessel enrolled in a sector has a valid permit for FY 2013. Tables 1, 2, and 3 (below) explain the revised FY 2013 allocations as a percentage and absolute amount (in metric tons and pounds).

Table 4 compares the preliminary allocations based on FY 2012 membership published in the FW 50 proposed and final rules, with the revised allocations based on the final sector and state-operated permit bank rosters as of May 1, 2013. The table shows that changes in sector allocations due to updated rosters range from a decrease of 0.32 percent of Gulf of Maine (GOM) haddock, to an increase of 4.04 percent of Southern New England/Mid-Atlantic (SNE/MA) yellowtail flounder. Common pool allocation adjustments range between a 16.17-percent decrease in SNE/MA yellowtail flounder, to a 59.09-percent increase in GOM haddock. The changes in the common-pool allocations are greater because the common pool has a significantly lower allocation for all stocks, so even small changes appear large when viewed as a percentage increase or decrease.

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Table 1. FINAL PERCENTAGE (%) OF ACE FOR EACH SECTOR BY STOCK FOR FY 2013[1]

Sector Name (Defined Below)	Number of Permits	GB Cod	GOM Cod	GB Haddock	GOM Haddock	GB Yellowtail Flounder	SNE/MA Yellowtail Flounder	Cape Cod (CC)/GOM Yellowtail Flounder	Plaice	Witch Flounder	GB Winter Flounder	GOM Winter Flounder	SNE/MA Winter Flounder	Redfish	White Hake	Pollock
FGS	108	27.71	2.43	5.76	1.84	0.01	0.30	2.75	0.91	2.10	0.03	3.73	1.65	2.74	5.68	7.38
MCCS	46	0.21	4.59	0.04	2.55	0.00	0.66	1.05	7.56	5.06	0.01	1.96	0.19	2.50	4.40	3.80
Maine	11	0.13	1.15	0.04	1.12	0.01	0.03	0.32	1.16	0.73	0.00	0.42	0.02	0.82	1.65	1.69
NCCS	26	0.17	0.75	0.12	0.35	0.84	0.73	0.61	0.15	0.22	0.07	0.90	0.30	0.43	0.79	0.42
NEFS 2	82	6.19	18.38	11.94	16.57	1.96	1.51	19.37	8.10	12.98	3.30	18.47	3.71	16.04	6.32	12.19
NEFS 3	79	1.25	14.38	0.15	9.64	0.01	0.36	8.55	4.06	2.85	0.03	9.32	0.77	1.34	4.73	6.75
NEFS 4	50	4.14	9.60	5.32	8.35	2.16	2.27	5.47	9.29	8.49	0.69	6.24	0.87	6.64	8.06	6.14
NEFS 5	31	0.79	0.01	1.05	0.29	1.61	22.98	0.48	0.49	0.67	0.52	0.07	12.37	0.08	0.12	0.10
NEFS 6	21	2.86	2.91	2.92	3.83	2.70	5.17	3.56	3.88	5.17	1.46	4.37	1.89	5.31	3.91	3.29
NEFS 7	23	5.21	0.39	4.95	0.47	11.29	4.57	2.86	3.59	3.29	14.86	0.83	6.35	0.59	0.83	0.73
NEFS 8	20	6.15	0.49	5.67	0.21	10.90	5.84	6.40	1.65	2.54	14.63	3.35	10.08	0.54	0.50	0.60
NEFS 9	60	14.24	1.73	11.60	4.79	26.78	7.96	10.41	8.27	8.28	39.50	2.43	18.62	5.83	4.15	4.23
NEFS 10	44	0.73	5.26	0.25	2.54	0.02	0.55	12.82	1.78	2.43	0.01	26.97	0.75	0.55	0.91	1.39
NEFS 11	42	0.39	11.21	0.04	2.35	0.00	0.02	2.10	1.35	1.47	0.00	1.93	0.02	0.94	2.34	6.46
NEFS 12	11	0.02	2.42	0.00	0.86	0.00	0.00	0.48	0.75	0.61	0.00	0.32	0.00	1.06	2.50	2.96
NEFS 13	54	7.96	0.95	16.08	0.99	24.97	18.92	5.03	5.16	6.27	7.46	2.34	11.04	3.98	1.74	2.27
NH	4	0.00	1.14	0.00	0.03	0.00	0.00	0.02	0.03	0.01	0.00	0.06	0.00	0.02	0.08	0.11
SHS 1	118	19.69	19.49	33.09	42.18	13.19	8.24	12.84	39.31	34.27	16.32	10.27	18.46	50.02	50.42	38.73
SHS 3	21	0.44	0.52	0.64	0.18	2.33	3.13	2.08	0.75	0.82	0.49	2.31	1.67	0.19	0.15	0.06
Sectors Total	851	98.27	97.80	99.68	99.15	98.80	83.23	97.20	98.25	98.25	99.37	96.30	88.77	99.60	99.29	99.30

-Georges Bank Cod Fixed Gear Sector (FGS), Maine Coast Community Sector (MCCS), Maine Permit Bank (Maine), Northeast Coastal Communities Sector (NCCS), , Northeast Fishery Sectors (NEFS), New Hampshire Permit Bank (NH), and Sustainable Harvest Sector (SHS)

[1] All ACE values for sectors outlined in Table 1 assume that each sector permit is valid for FY 2013.

Table 2. FINAL ACE FOR EACH SECTOR BY STOCK FOR FY 2013 (mt)[1][2]

Sector Name	GB Cod East	GB Cod West	GOM Cod	GB Haddock East	GB Haddock West	GOM Haddock	GB Yellowtail Flounder	SNE/MA Yellowtail Flounder	CC/GOM Yellowtail Flounder	Plaice	Witch Flounder	GB Winter Flounder	GOM Winter Flounder	SNE/MA Winter Flounder	Redfish	White Hake	Pollock
FGS	25	475	20	216	1293	3	0	2	13	13	13	1	27	20	277	219	951
MCCS	0	4	38	1	9	5	0	4	5	107	31	0	14	2	253	169	490
Maine	0	2	10	2	10	2	0	0	2	17	4	0	3	0	83	64	218
NCCS	0	3	6	5	27	1	1	4	3	2	1	2	6	4	44	30	54
NEFS 2	6	106	153	448	2679	31	2	9	93	115	79	116	132	45	1625	243	1572
NEFS 3	1	22	119	5	33	18	0	2	41	58	17	1	67	9	136	182	870
NEFS 4	4	71	80	200	1193	16	3	13	26	132	52	24	45	11	673	310	792
NEFS 5	1	13	0	40	236	1	2	131	2	7	4	18	0	150	8	5	14
NEFS 6	3	49	24	110	656	7	3	29	17	55	32	51	31	23	538	151	425
NEFS 7	5	89	3	186	1112	1	13	26	14	51	20	524	6	77	59	32	94
NEFS 8	6	105	4	213	1273	0	13	33	31	23	16	516	24	122	54	19	77
NEFS 9	13	244	14	436	2604	9	31	45	50	117	50	1394	17	225	591	160	545
NEFS 10	1	12	44	9	56	5	0	3	61	25	15	0	193	9	56	35	180
NEFS 11	0	7	93	1	8	4	0	0	10	19	9	0	14	0	95	90	833
NEFS 12	0	0	20	0	1	2	0	0	2	11	4	0	2	0	107	96	382
NEFS 13	7	136	8	604	3609	2	29	108	24	73	38	263	17	134	403	67	293
NH	0	0	9	0	0	0	0	0	0	0	0	0	0	0	2	3	14
SHS 1	18	338	162	1242	7425	79	15	47	61	558	209	576	73	223	5068	1941	4994
SHS 3	0	8	4	24	144	0	3	18	10	11	5	17	16	20	20	6	8
Sectors Total	90	1685	812	3742	22369	185	115	474	466	1395	599	3506	688	1074	10092	3822	12802
Common Pool	2	30	18	12	73	2	1	96	13	25	11	22	26	136	40	27	91

[1] All ACE values for sectors outlined in Table 2 assume that each sector permit is valid for FY 2013.

[2] These values do not include any potential ACE carryover or deductions from FY 2012 sector ACE underages or overages. Adjustments for any carryover or deductions will be made in a future action following reconciliation.

Table 3. FINAL ACE FOR EACH SECTOR BY STOCK FOR FY 2013 (1,000 lb)[12]

Sector Name	GB Cod East	GB Cod West	GOM Cod	GB Haddock East	GB Haddock West	GOM Haddock	GB Yellowtail Flounder	SNE/MA Yellowtail Flounder	CC/GOM Yellowtail Flounder	Plaice	Witch Flounder	GB Winter Flounder	GOM Winter Flounder	SNE/MA Winter Flounder	Redfish	White Hake	Pollock
FGS	56	1048	44	477	2852	8	0	4	29	28	28	2	59	44	612	482	2097
MCCS	0	8	84	3	20	11	0	8	11	237	68	1	31	5	559	373	1080
Maine	0	5	21	4	22	5	0	0	3	36	10	0	7	0	184	140	480
NCCS	0	6	14	10	60	1	2	9	6	5	3	5	14	8	96	67	120
NEFS 2	13	234	336	988	5905	68	5	19	205	254	175	257	291	99	3583	537	3465
NEFS 3	3	47	263	12	72	40	0	4	90	127	38	2	147	21	299	401	1917
NEFS 4	8	156	176	440	2630	34	6	29	58	291	114	54	98	23	1483	684	1746
NEFS 5	2	30	0	87	521	1	4	289	5	15	9	40	1	330	17	10	30
NEFS 6	6	108	53	242	1446	16	7	65	38	121	70	113	69	51	1186	332	936
NEFS 7	11	197	7	410	2451	2	29	57	30	112	44	1155	13	169	131	70	206
NEFS 8	12	232	9	469	2806	1	28	73	68	52	34	1138	53	269	120	43	170
NEFS 9	29	538	32	960	5741	20	69	100	110	259	111	3073	38	497	1303	352	1202
NEFS 10	1	28	96	21	124	10	0	7	135	56	33	1	425	20	122	77	396
NEFS 11	1	15	205	3	18	10	0	0	22	42	20	0	30	0	209	199	1837
NEFS 12	0	1	44	0	1	4	0	0	5	23	8	0	5	0	237	212	842
NEFS 13	16	301	17	1331	7958	4	64	238	53	162	84	580	37	294	889	148	646
NH	0	0	21	0	0	0	0	0	0	1	0	0	1	0	4	7	32
SHS 1	40	745	357	2738	16370	174	34	104	136	1231	461	1269	162	493	11172	4279	11009
SHS 3	1	17	9	53	318	1	6	39	22	23	11	38	36	44	43	13	17
Sectors Total	199	3716	1790	8249	49316	409	254	1046	1026	3076	1321	7729	1517	2368	22249	8425	28225
Common Pool	4	65	40	27	160	4	3	211	30	55	24	49	58	300	88	60	200

[1] All ACE values for sectors outlined in Table 3 assume that each sector permit is valid for FY 2013.

[2] These values do not include any potential ACE carryover or deductions from FY 2012 sector ACE underages or overages. Adjustments for any carryover or deductions will be made in a future action following reconciliation.

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Table 4. COMPARISON OF ALLOCATIONS BETWEEN THE FW 50 FINAL RULE, AND MAY 1, 2013, SECTOR ROSTERS (mt)[1]

	GB Cod	GOM Cod	GB Haddock	GOM Haddock	GB Yellowtail Flounder	SNE/MA Yellowtail Flounder	CC/GOM Yellowtail Flounder	Plaice	Witch Flounder	GB Winter Flounder	GOM Winter Flounder	SNE/MA Winter Flounder	Redfish	White Hake	Pollock
Total Commercial Allocation	1807	830	26196	187	116.8	570	479	1420	610	3528	714.7	1210	10132	3949	12893
FY 2013 Common Pool Allocation based on FY 2012 sector membership	30	16	72	1	1.3	114	12	24	9	20	24	142	41	31	83
Adjusted FY 2013 Common Pool Allocation	32	18	85	2	1	96	13	25	11	22	26	136	40	27	91
% Change	6.67%	14.24%	18.06%	59.09%	7.69%	-16.17%	11.69%	3.75%	18.44%	10.87%	10.04%	-4.27%	-2.11%	-11.73%	9.04%
FY 2013 Sector Allocation based on FY 2012 sector membership	1777	814	26124	186	115.4	456	467	1396	601	3508	690	1068	10091	3818	12810
Adjusted FY 2013 Sector Allocation	1775	812	26111	185	115	474	466	1395	599	3506	688	1074	10092	3822	12802
% Change	-0.11%	-0.28%	-0.05%	-0.32%	0.00%	4.04%	-0.30%	-0.06%	-0.28%	-0.06%	-0.25%	0.57%	0.01%	0.10%	-0.06%

[1] All values for sectors outlined in Table 4 assume that each sector permit is valid for FY 2013.

It is important to point out that this is only a temporary final rule. After we finish reconciling differences in catch accounting between our data and each

sector manager's data, each sector will have 2 weeks to trade FY 2012 ACE to account for any overharvesting during that period. After that 2-week trading window, a sector that still has exceeded its FY 2012 allocation will have its FY 2013 allocation reduced, pursuant to regulatory requirements. Because data reconciliation and the 2-week trading window take place after the new fishing year has begun, we reserve 20 percent of each sector's FY 2013 allocation until FY 2012 catch data are reconciled, with the exception of SNE/MA winter flounder, which was newly allocated for FY 2013. This reserve is held to ensure that each sector has sufficient ACE to balance any overages from the previous fishing year. For FY 2013, sectors are also able to carry over up to 10 percent of their initial allocation of all regulated stocks to the next fishing year, with the exception of GOM cod, which can be carried over only up to 1.85 percent. We will publish a final follow-up rule detailing any carryover of FY 2012 sector allocation or reduction in FY 2013 allocation resulting from sectors under or overharvesting their allocations.

FW 50 also specifies incidental catch limits (or incidental total allowable catches, ''TACs'') applicable to the common pool and NE multispecies Special Management Programs for FY 2013–2015, including the B day-at-sea (DAS) Program. Special Management Programs are designed to allow fishing for healthy stocks that can support additional fishing effort without undermining the other goals of the FMP. Incidental catch limits are specified to limit catch of certain stocks of concern for common pool vessels fishing in the Special Management Programs. Because these incidental catch limits are based on the changed common-pool allocation, they also must be revised. Final incidental catch limits are included in Tables 5–8 below.

TABLE 5—FY 2013 COMMON POOL INCIDENTAL CATCH TACS

Stock	Percentage of common pool sub-ACL	Incidental catch TAC (mt)
GB cod	2	0.6
GOM cod	1	0.2
GB yellowtail flounder	2	0.03
CC/GOM yellowtail flounder	1	0.1
American Plaice	5	1.3
Witch Flounder	5	0.6
SNE/MA winter flounder	1	1.4

TABLE 6—DISTRIBUTION OF COMMON POOL INCIDENTAL CATCH TACS TO EACH SPECIAL MANAGEMENT PROGRAM

Stock	Regular B DAS program (percent)	Closed Area I hook gear haddock SAP	Eastern U.S./CA haddock SAP (percent)	Southern closed Area II haddock SAP
GB cod	50	16	34	
GOM cod	100	NA	NA	
GB yellowtail flounder	50	NA	50	
CC/GOM yellowtail flounder	100	NA	NA	
American Plaice	100	NA	NA	
Witch Flounder	100	NA	NA	
SNE/MA winter flounder	100	NA	NA	

TABLE 7—FY 2013 COMMON POOL INCIDENTAL CATCH TACS FOR EACH SPECIAL MANAGEMENT PROGRAM (MT)

Stock	Regular B DAS program	Closed area I hook gear haddock SAP	Eastern U.S./ Canada haddock SAP
GB cod	0.3	0.1	0.2
GOM cod	0.2	n/a	n/a
GB yellowtail flounder	0.01	n/a	0.01
CC/GOM yellowtail flounder	0.1	n/a	n/a
American Plaice	1.2	n/a	n/a
Witch Flounder	0.5	n/a	n/a
SNE/MA winter flounder	1.4	n/a	n/a

TABLE 8—FY 2013 COMMON POOL REGULAR B DAS PROGRAM QUARTERLY INCIDENTAL CATCH TACS (MT)

	1st Quarter (13%)	2nd Quarter (29%)	3rd Quarter (29%)	4th Quarter (29%)
GB cod	0.04	0.09	0.09	0.09
GOM cod	0.02	0.05	0.05	0.05
GB yellowtail flounder	0.002	0.004	0.004	0.004
CC/GOM yellowtail flounder	0.02	0.04	0.04	0.04
American Plaice	0.16	0.36	0.36	0.36
Witch Flounder	0.07	0.15	0.15	0.15
SNE/MA winter flounder	0.18	0.39	0.39	0.39

Classification

Pursuant to section 304(b)(1)(A) of the Magnuson-Stevens Act, the NMFS Assistant Administrator has determined that this final rule is consistent with the NE Multispecies FMP, other provisions of the Magnuson-Stevens Act, and other applicable law.

This final rule has been determined to be not significant for purposes of Executive Order 12866.

Pursuant to 5 U.S.C. 553(b)(3)(B), we find good cause to waive prior public

notice and opportunity for public comment on the catch limit and allocation adjustments because allowing time for notice and comment is impracticable and contrary to the public interest. We also find good cause to waive the 30-day delay in effectiveness pursuant to 5 U.S.C. 553(d)(3), so that this final rule may become effective upon filing.

Notice and comment are impracticable and contrary to the public interest because a delay would potentially impair achievement of the management plan's objectives of preventing overfishing and achieving optimum yield by staying within ACLs or allocations. The proposed and final rules for FY 2013 sector operations plans and contracts explained the need and likelihood for adjustments of sector and common pool allocations based on final sector rosters. No comments were received on the potential for these adjustments, which provide an accurate accounting of a sector's or common pool's allocation at this time. If this rule is not effective immediately, the sector and common pool vessels will be operating under incorrect information on the catch limits for each stock for sectors and the common pool. This could cause negative economic impacts to the both sectors and the common pool, depending on the size of the allocation, the degree of change in the allocation, and the catch rate of a particular stock. Further, these adjustments are based purely on objective sector enrollment data and are not subject to NMFS' discretion, so there would be no benefit to allowing time for prior notice and comment.

Waiving the 30-day delay in effectiveness allows harvesting in a manner that prevents catch limits of species from being exceeded in fisheries that are important to coastal communities. Until the final stock allocations are made, the affected fishing entities will not know how many fish of a particular stock they can catch without going over their ultimate limits. Fishermen may make both short- and long-term business decisions based on the catch limits in a given sector or the common pool. Any delays in adjusting these limits may cause the affected fishing entities to slow down, or speed up, their fishing activities during the interim period before this rule becomes effective. Both of these reactions could negatively affect the fishery and the businesses and communities that depend on them. The fishing industry and the communities it supports could be affected by potentially reducing harvests and delaying profits. Lastly, the catch limit and allocation adjustments are not controversial and the need for them was clearly explained in the proposed and final rules for FY 2013 sector operations plans and contracts. As a result, the NE multispecies permit holders are expecting these adjustments and awaiting their implementation. Therefore, it is important to implement adjusted catch limits and allocations as soon as possible. For these reasons, we are waiving the public comment period and delay in effectiveness for this rule, pursuant to 5 U.S.C. 553(b)(3)(B) and (d), respectively.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: June 5, 2013.

Alan D. Risenhoover,

Director, Office of Sustainable Fisheries, performing the functions and duties of the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

[FR Doc. 2013–13866 Filed 6–10–13; 8:45 am]

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Proposed Rules

Federal Register
Vol. 78, No. 112
Tuesday, June 11, 2013

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 1, 23, 25, 27, 29, 61, 91, 121, 125, and 135

[Docket No.: FAA–2013–0485; Notice No. 1209]

RIN 2120–AJ94

Revisions to Operational Requirements for the Use of Enhanced Flight Vision Systems (EFVS) and to Pilot Compartment View Requirements for Vision Systems

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA is proposing to permit operators to use an Enhanced Flight Vision System (EFVS) in lieu of natural vision to continue descending from 100 feet above the touchdown zone elevation to the runway and land on certain straight-in instrument approach procedures under instrument flight rules (IFR). This proposal would also permit certain operators using EFVS-equipped aircraft to dispatch, release, or takeoff under IFR, and to initiate and continue an approach, when the destination airport weather is below authorized visibility minimums for the runway of intended landing. Under this proposal, pilot training, recent flight experience, and proficiency would be required for operators who use EFVS in lieu of natural vision to descend below decision altitude, decision height, or minimum descent altitude. EFVS-equipped aircraft conducting operations to touchdown and rollout would be required to meet additional airworthiness requirements. This proposal would also revise pilot compartment view certification requirements for vision systems using a transparent display surface located in the pilot's outside view. The proposal would take advantage of advanced vision capabilities thereby achieving the NextGen goals of increasing access, efficiency, and throughput at many airports when low visibility is the limiting factor. Additionally, it would enable EFVS operations in reduced visibilities on a greater number of approach procedure types while maintaining an equivalent level of safety.

DATES: Send comments on or before September 9, 2013.

ADDRESSES: Send comments identified by docket number FAA–2013–0485 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov* and follow the online instructions for sending your comments electronically.
- *Mail:* Send comments to Docket Operations, M–30; U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE., Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* Fax comments to Docket Operations at (202) 493–2251.

Privacy: In accordance with 5 USC 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to www.regulations.gov, as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy.*

Docket: Background documents or comments received may be read at *http://www.regulations.gov* at any time. Follow the online instructions for accessing the docket or Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: For technical questions concerning this action, contact Terry King, Flight Technologies and Procedures Division, AFS–400, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone (202) 385–4586; email *Terry.King@faa.gov.*

For legal questions concerning this proposed rule contact Paul G. Greer, Office of the Chief Counsel, Regulations Division, AGC–200, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone (202) 267–3073; email *Paul.G.Greer@faa.gov.*

SUPPLEMENTARY INFORMATION: See the ''Additional Information'' section for information on how to comment on this proposal and how the FAA will handle comments received. The ''Additional Information'' section also contains related information about the docket and the handling of proprietary or confidential business information. In addition, there is information on obtaining copies of related rulemaking documents.

Authority for This Rulemaking

The FAA's authority to issue rules on aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority.

This rulemaking is promulgated under the authority described in 49 U.S.C. 40103, which vests the Administrator with broad authority to prescribe regulations to ensure the safety of aircraft and the efficient use of airspace, and 49 U.S.C. 44701(a)(5), which requires the Administrator to promulgate regulations and minimum standards for other practices, methods, and procedures necessary for safety in air commerce and national security.

List of Abbreviations and Acronyms Frequently Used In This Document

AEG Aircraft Evaluation Group
ASR Airport surveillance radar
CAA Civil aviation authority
DA Decision altitude
DH Decision height
EASA European Aviation Safety Agency
EFVS Enhanced Flight Vision System
FAF Final approach fix
FSB Flight Standardization Board
FPARC Flight path angle reference cue
FPV Flight path vector
HUD Head up display
IAP Instrument approach procedure
ILS Instrument landing system
IFR Instrument flight rules
IR Infrared
LOA Letter of authorization
LODA Letter of deviation authority
MASPS Minimum aviation system performance standards

MDA Minimum descent altitude
MSpec Management specification
NextGen Next Generation Air Transportation System
NOTAM Notice to airmen
NTSB National Transportation Safety Board
OEM Original equipment manufacturer
OpSpec Operation specification
PAR Precision approach radar
PIC Pilot in Command
RVR Runway visual range
VFR Visual flight rules

Table of Contents

I. Overview of Proposed Rule

Regulations pertaining to EFVS can be found in Title 14, Code of Federal Regulations (14 CFR) 1.1, 91.175(l) and (m), 121.651(c) and (d), 125.381(c), and 135.225(c). Section 91.175(l) authorizes the use of EFVS to determine that the enhanced flight visibility is at least the minimum prescribed for the approach being flown, and to identify the visual references that must be observed in order to descend below decision altitude/decision height (DA/DH) or minimum descent altitude (MDA) to 100 feet above the touchdown zone elevation. Natural vision must be used below 100 feet. Sections 121.651(c), 125.325, 125.381(c), and 135.225(c) place additional limitations on air carriers and commercial operators using EFVS.

Under current regulations, an EFVS can be used in lieu of natural vision to descend below DA/DH or MDA down to 100 feet above touchdown zone elevation on certain instrument approach procedures, provided specific regulatory conditions are met. When the destination airport weather is forecast or reported to be below authorized minimums at the estimated time of arrival, persons conducting operations under parts 121, 125, and 135 have certain dispatch, flight release, and IFR takeoff limitations as well as limitations related to initiating an approach, continuing an approach beyond the final approach fix (FAF), or beginning the final approach segment of an instrument approach procedure. The FAA proposes to revise the regulations to specify additional conditions under which an aircraft equipped with EFVS can be dispatched, released, or permitted to take off. It would also specify the conditions under which an operator of an EFVS-equipped aircraft may begin an approach when the weather is reported to be below authorized minimums. Additionally, it would permit an EFVS to be used to continue descent below 100 feet above the touchdown zone elevation when the required visual references can be observed using the EFVS.

Currently, part 61 does not contain any training or recent flight experience requirements to conduct EFVS operations. To ensure that an appropriate level of safety is maintained for all EFVS operations, the FAA proposes to amend part 61 to require initial training as well as new recent flight experience and proficiency requirements for persons conducting EFVS operations.

Current regulations also specify that no pilot operating an aircraft on a Category II or Category III approach that requires the use of a DA/DH may continue the approach below the authorized decision height using an EFVS in lieu of natural vision. The FAA also proposes to amend the regulations to permit an EFVS to be used during Category II and Category III approaches.

Additionally, the FAA uses special conditions issued under § 21.16 to approve vision systems in type certificated aircraft. The FAA proposes to eliminate the need to issue special conditions for these systems by revising the pilot compartment view certification requirements in the airworthiness standards found in parts 23, 25, 27, and 29.

Following is a detailed overview of the proposed amendments:

- Section 1.1 would be amended to better define the components of an EFVS and to define the term ''EFVS operation.''
- Sections 23.773, 25.773, 27.773, and 29.773 would be amended to establish certification requirements for vision systems with a transparent display surface located in the pilot's outside view.
- Section 61.31 would be amended to require training for EFVS operations.
- Section 61.57 would be amended to require recent flight experience or a proficiency check for a person conducting an EFVS operation or acting as pilot in command (PIC) during an EFVS operation.
- Sections 91.175 (l) and (m), which contain the existing EFVS regulations, would be redesignated as proposed § 91.176. The FAA proposes to place all EFVS regulations contained in part 91, except those pertaining to Category II and III operations, in a single new section for organizational and regulatory clarity.
- Section 91.189 would be amended to permit an EFVS to be used to identify the visual references required to continue an approach below the authorized decision height during Category II and Category III approaches.
- Section 91.905 would be amended to add § 91.176 to the list of rules subject to waiver.
- Sections 121.613 and 121.615 would be amended to expand the conditions under which an EFVS can be used to dispatch or flight release an aircraft when the visibility is forecast or reported to be below authorized minimums for a destination airport.
- Section 121.651 would be amended to permit the pilot of an EFVS-equipped

aircraft to continue an approach past the FAF or to begin the final approach segment of an instrument approach procedure when the weather is reported to be below authorized visibility minimums. Section 121.651 would also be amended to permit EFVS-equipped part 121 operators to conduct EFVS operations in accordance with proposed § 91.176 and their operations specifications issued for EFVS operations.

- Sections 125.361 and 125.363 would be amended to permit flight release for EFVS-equipped aircraft when weather reports or forecasts indicate that arrival weather conditions at the destination airport will be below authorized minimums.
- Sections 125.325 and 125.381 would be amended to permit the pilot of an EFVS-equipped aircraft to execute an instrument approach procedure when the weather is reported to be below authorized visibility minimums. Section 125.381 would also be amended to permit EFVS-equipped part 125 operators to conduct EFVS operations in accordance with proposed § 91.176 and their operations specifications.
- Section 135.219 would be amended to permit flights to be initiated for EFVS-equipped aircraft when weather reports or forecasts indicate that arrival weather conditions at the destination airport will be below authorized minimums.
- Section 135.225 would be amended to permit the pilot of an EFVS-equipped aircraft to initiate an instrument approach procedure when the reported visibility is below the authorized visibility minimums for the approach. Section 135.225 would also be amended to permit EFVS-equipped part 135 operators to conduct EFVS operations in accordance with proposed § 91.176 and their operations specifications issued for EFVS operations.
- Additional amendments would be made to conform to the proposed regulatory changes.

Each of these proposed amendments is discussed in detail in the sections that follow. The FAA has attempted to use regulatory language that is performance-based and not limited to a specific sensor technology. The FAA believes this action would accommodate future growth in real-time sensor technologies used in most enhanced vision systems. The proposal would maximize the benefits of rapidly evolving instrument approach procedures and advanced flight deck technology to increase access and capacity during low visibility operations. The proposal is consistent with the agency's Next Generation Air Transportation System (NextGen) goals and operational improvements. An operator's decision to equip with EFVS is voluntary; however, the operator would be required to conduct EFVS operations in accordance with this proposal.

EFVS-equipped aircraft conducting operations to touchdown and rollout would be required to meet additional airworthiness requirements. Only enhanced flight vision systems that utilize a real-time image of the external scene topography would be addressed by the operational requirements proposed in this notice. Synthetic vision systems, which use a computer-generated image of the external scene topography from the perspective of the flight deck derived from aircraft attitude, a high precision navigation solution, and a database of terrain, obstacles and relevant cultural features, would not be addressed by the operating requirements set forth in this proposal. Synthetic vision systems with a transparent display surface located in the pilot's outside view, however, would be subject to the airworthiness standards in proposed §§ 23.773, 25.773, 27.773, and 29.773 as applicable.

This proposal also does not address EFVS use for takeoff. Section 91.175(f) prescribes civil airport takeoff minimums which are applicable to persons conducting operations under parts 121, 125, 129, or 135. This section makes provision for the Administrator to authorize takeoff minimums other than the minimums prescribed in § 91.175(f). Therefore, no regulatory amendments are proposed to enable EFVS to be used for takeoff because these operations can be authorized through existing processes.

II. Background

A. History

An EFVS uses a head-up display (HUD) to provide flight information, navigation guidance, and a real-time image of the external scene to the pilot on one display. The real-time image of the outside scene is produced by imaging sensors, which may be based on forward looking infrared, millimeter wave radiometry, millimeter wave radar, low level light intensification, or other imaging technologies. In certain reduced visibility conditions, an EFVS can enable a pilot to see the approach lights, visual references associated with the runway environment, and other objects or features that might not be visible without the use of an EFVS. Combining the flight information, navigation guidance, and sensor imagery on a HUD allows the pilot to remain head up and to continue looking forward along the flight path throughout the entire approach, landing, and rollout.

The requirements for operating below DA/DH or MDA under IFR on instrument approaches are contained in § 91.175. Over the years, these requirements have been modified to enable aircraft operations during reduced visibility conditions while maintaining a high level of safety. For many years, descent below DA/DH or MDA could only be accomplished using natural vision. On January 9, 2004, a final rule, Enhanced Flight Vision Systems, was published in the **Federal Register** (69 FR 1620) to permit an EFVS to be used in lieu of natural vision to continue descent below DA/DH or MDA down to 100 feet above the touchdown zone elevation of the runway of intended landing. At and below 100 feet, however, the lights or markings of the threshold or the lights or markings of the touchdown zone had to be distinctly visible and identifiable to the pilot using natural vision. A pilot could not continue descent below 100 feet by relying solely on the EFVS sensor imagery.

The 2004 final rule permitted an EFVS to be used in this way under IFR only on straight-in instrument approach procedures other than Category II or III, subject to certain conditions and limitations. The FAA asserted in the final rule that permitting EFVS to be used in this way could allow for operational benefits, reduced costs, and increased safety. Using a HUD assists a pilot in flying a more precise flight path. The FAA asserted that an EFVS, which includes a real-time sensor image on a HUD, might also improve the level of safety by improving position awareness, providing visual cues to maintain a stabilized approach, and reducing missed approaches. An EFVS could also enable a pilot to detect an obstruction on the runway, such as an aircraft or vehicle, earlier in the approach, and detect runway incursions in reduced visibility conditions. Even in situations where the pilot has sufficient flight visibility at the DA/DH or MDA to see the required visual references using natural vision, an EFVS could be used to achieve better situation awareness than might be possible without it—especially in marginal visibility conditions.

The 2004 final rule also established equipment requirements for EFVS operations. Enhanced flight vision systems used to conduct operations under the provisions of §§ 91.175(l) and (m), 121.651(c) and (d), 125.381(c), and 135.225(c) using U.S.-registered aircraft

are required to have an FAA type design approval (e.g., type certificate, amended type certificate, or supplemental type certificate). Requiring a type design approval ensures that the EFVS equipment is appropriate to support the EFVS operations to be conducted. These approvals are currently achieved through the issuance of special conditions. Foreign-registered aircraft used to conduct EFVS operations in the U.S. that do not have an FAA type design approval must be equipped with an operable EFVS that otherwise meets the requirements of the U.S. regulations. Additional information regarding compliance with EFVS operating requirements can be found in Advisory Circular (AC) 90–106, Enhanced Flight Vision Systems. Additional information about compliance with the airworthiness or equipment requirements for EFVS can be found in AC 20–167, Airworthiness Approval of Enhanced Vision System, Synthetic Vision System, Combined Vision System, and Enhanced Flight Vision System Equipment.

B. Statement of the Problem

The FAA believes EFVS capabilities could be better leveraged by making provisions for current and future performance-based enhanced vision capabilities that would increase access, efficiency, and throughput at many airports when low visibility is a factor. The 2004 final rule permitted enhanced flight visibility (determined using EFVS) to be used in lieu of flight visibility (determined by natural vision) to descend below DA/DH or MDA down to 100 feet above the touchdown zone elevation of the runway of intended landing. The rule, however, did not address dispatching a flight under part 121, releasing a flight under part 125, or taking off under part 135. An aircraft operated under those parts cannot be dispatched, released, or permitted to take off under IFR when the weather at the destination airport is forecast or reported to be below authorized minimums at the estimated time of arrival. Additionally, the pilot of an aircraft operating under these parts may not begin an approach or continue an approach past the FAF (or where a FAF is not used, begin the final approach segment of an instrument approach procedure) when the weather at the destination airport is reported to be below authorized minimums. These restrictions prevent EFVS from being used for maximum operational benefit by persons conducting operations under parts 121, 125, or 135. This proposal would provide relief from these restrictions for operators of EFVS-equipped aircraft.

Under current regulations, the enhanced flight visibility provided by an EFVS can only be used for operational benefit under § 91.175(l) in that portion of the visual segment of an approach that extends from DA/DH or MDA down to 100 feet above the touchdown zone elevation. While this provision has provided operators with significant benefits, additional capability could be achieved by permitting EFVS to be used to touchdown and rollout. This would increase access and throughput over existing EFVS operations by removing the requirement to transition to natural vision at 100 feet above the touchdown zone elevation.

There are currently no training, recent flight experience, or proficiency requirements in part 61 for persons conducting EFVS operations. Since the 2004 final rule was enacted, the number of persons conducting EFVS operations has significantly expanded. The FAA believes the proposal would further increase the number of operators conducting EFVS operations. Additionally, it would permit those operations to be conducted in low visibility conditions to touchdown and rollout. The FAA therefore proposes to establish training, recent flight experience, and proficiency requirements for EFVS operations to provide an appropriate level of safety for the conduct of those operations.

The FAA also believes that an EFVS can provide operational and safety benefits during Category II and Category III operations, especially as more advanced imaging sensor capabilities are developed which function more effectively in lower visibility conditions. The proposal would therefore amend the operating rules for Category II and III operations to permit EFVS to be used in lieu of natural vision during the conduct of those operations.

Finally, there are no airworthiness standards that specifically address the certification of vision systems, to include EFVS. Accordingly, the FAA has certificated vision systems using special conditions which can impose significant delays on the certification process. The proposal would therefore also amend parts 23, 25, 27, and 29 to establish certification requirements for vision systems with a transparent display surface located in the pilot's outside view thereby eliminating the need for the issuance of special conditions.

C. Related Actions

The FAA is revising AC 90–106, Enhanced Flight Vision Systems, and AC 20–167, Airworthiness Approval of Enhanced Vision System, Synthetic Vision System, Combined Vision System, and Enhanced Flight Vision System Equipment, to include the provisions proposed in this NPRM. A Notice of Availability will be published in the **Federal Register** when these draft ACs have been completed, and copies of these draft ACs will be placed in the docket for public comment at that time.

III. Discussion of the Proposal

A. Revise the Definition for EFVS and add a Definition for EFVS Operation (§ 1.1)

The FAA proposes to amend the definition of EFVS in § 1.1 to more precisely describe an EFVS. The proposed amendment specifies that an EFVS is an installed aircraft system and revises the current definition to include language that describes the elements and features of an EFVS currently found in § 91.175(m). The current definition of EFVS would be revised to include the phrase ''the EFVS includes the display element, sensors, computers and power supplies, indications, and controls.'' This phrase is currently found in § 91.175(m)(3). The FAA also proposes to change the phrase ''installed airborne system'' to ''installed aircraft system'' because some EFVS operations may be conducted on the surface as well as in an airborne context.

The proposed definition for EFVS would state: ''Enhanced flight vision system (EFVS) means an installed aircraft system which uses an electronic means to provide a display of the forward external scene topography (the applicable natural or manmade features of a place or region especially in a way to show their relative positions and elevation) through the use of imaging sensors, such as forward-looking infrared, millimeter wave radiometry, millimeter wave radar, or low-light level image intensification. The EFVS sensor imagery and required aircraft flight information and flight symbology is displayed on a head-up display, or an equivalent display, so that the imagery and symbology is clearly visible to the pilot flying in his or her normal position with the line of vision looking forward along the flight path. An EFVS includes the display element, sensors, computers and power supplies, indications, and controls.''

The FAA also proposes to add a definition to § 1.1 for EFVS operation. An EFVS operation would be defined as ''an operation in which an EFVS is

required to be used to perform an approach or landing, determine enhanced flight visibility (as defined in current § 1.1), identify required visual references, or conduct the rollout.'' This definition establishes the conditions under which an EFVS would be required to conduct specific operations. The FAA notes that while an EFVS can provide situation awareness in any phase of flight, such use would not constitute an EFVS operation unless an EFVS is required in lieu of natural vision to perform any visual task associated with approach, landing, and rollout.

B. Consolidate EFVS Requirements in Part 91 in a New Section (§ 91.176)

The FAA proposes to create new § 91.176 which would contain the regulations for enhanced flight vision systems. The FAA believes that the extent of current and proposed EFVS provisions requires a new section for organizational and regulatory clarity. The existing regulations for EFVS to 100 feet that are located in current §§ 91.175(l) and (m) would be moved to proposed § 91.176 and restructured. Proposed §§ 91.176(a) and (b) would each be organized into three main areas—equipment requirements, operating requirements, and visibility and visual reference requirements. Section 91.176(a) would contain the new regulations for EFVS operations to touchdown and rollout, and § 91.176(b) would contain the existing regulations for EFVS operations that are conducted to 100 feet above the touchdown zone elevation.

C. Establish Equipment, Operating, and Visual Reference Requirements for EFVS Operations To Touchdown and Rollout (§ 91.176(a))

Under the current EFVS rule, an EFVS can be used to descend below DA/DH or MDA on any instrument approach procedure, other than Category II or III, that is straight-in and that uses published straight-in minima. The existing regulations permit an EFVS to be used to identify the visual references required by § 91.175(l)(3) and to determine that the enhanced flight visibility provided by the EFVS is not less than the visibility prescribed in the instrument approach procedure (IAP) being flown. Both of these requirements have to be met before descending below DA/DH or MDA down to 100 feet above the touchdown zone elevation. Additionally, the regulations require that the aircraft be continuously in a position from which a descent to a landing on the intended runway can be made at a normal rate of descent using normal maneuvers, and, for operations conducted under parts 121 or 135, the descent rate will allow touchdown to occur within the touchdown zone of the runway of intended landing.

At 100 feet above the touchdown zone elevation and below, the current regulations require that the flight visibility must be sufficient for the lights or markings of the threshold or the lights or markings of the touchdown zone to be distinctly visible and identifiable to the pilot without reliance on the EFVS in order to continue to a landing. In other words, descent below 100 feet has to be accomplished using natural vision—a pilot cannot continue descending below 100 feet by relying solely on the EFVS sensor imagery under the current rule.

The FAA proposes to permit enhanced vision provided by an EFVS to be used in lieu of natural vision to descend below 100 feet above the touchdown zone elevation. The FAA believes the current visual references that need to be seen using natural vision to descend below 100 feet should serve as the basis for establishing the visual references necessary to be seen with enhanced vision to descend below 100 feet when conducting EFVS operations to touchdown and rollout. Those visual references consist of lights or markings of the threshold or lights or markings of the touchdown zone. Additionally, the FAA proposes to add the runway threshold and the runway touchdown zone landing surface as references a pilot could use to descend below 100 feet. The FAA believes these additions are necessary to include other visual references that could be displayed by the EFVS and used by the pilot to safely land the aircraft.

Additionally, in § 91.176(a) the FAA would require that the aircraft be continuously in a position from which a descent to a landing on the intended runway could be made at a normal rate of descent using normal maneuvers. This proposed requirement is identical to the current requirement that exists for EFVS operations to 100 feet above the touchdown zone elevation. The proposal would also require that for all operators, the descent rate would allow touchdown to occur within the touchdown zone of the runway of intended landing. Currently only persons conducting operations under parts 121 or 135 are required to touchdown within the touchdown zone. For EFVS operations to touchdown and rollout, the FAA considers it prudent to require touchdown to occur within the touchdown zone for all operators in order to minimize any potential for a runway overrun in low visibility conditions.

The FAA proposes to permit an EFVS operation to be conducted below the authorized DA/DH to touchdown and rollout using a straight-in precision instrument approach procedure or an approach with approved vertical guidance. In order to ensure obstacle clearance and stabilized approach to touchdown, the approach must have published straight-in minima, a published vertical path, and a published DA or DH. Accordingly, EFVS operations to touchdown and rollout would not be permitted on nonprecision approaches.

In proposed § 91.176(a)(2)(i), the FAA would require each required pilot flight crewmember to have adequate knowledge of, and familiarity with, the aircraft, the EFVS, and the procedures to be used. Additionally, in proposed § 91.176(a)(2)(ii), the FAA would require that the aircraft be equipped with, and the pilot flying would be required to use, an operable EFVS that meets the equipment requirements specified in proposed § 91.176(a)(1). When a minimum flightcrew of more than one pilot is required, proposed § 91.176(a)(2)(iii) would require the pilot monitoring to use a display that provides him or her with EFVS sensor imagery.

Part 61 does not currently contain training, recent flight experience, and proficiency requirements for EFVS operations. Under the proposal, however, each required pilot flight crewmember would be required to meet the applicable training, recent flight experience, and proficiency requirements proposed in §§ 61.31(l) and 61.57(h) and (i). Persons conducting operations under parts 121, 125, or 135 would continue to be required to meet the current training, testing, and qualification provisions of those parts. The new proposals for part 61 are discussed in more detail in Sections III–E and III–F of this proposal. For foreign persons, each required pilot flight crewmember would have to meet the applicable requirements of the civil aviation authority of the State of the operator.

For operational approval to conduct EFVS operations to touchdown and rollout, the FAA proposes to require persons conducting operations under parts 121, 125, 129, or 135 to conduct those operations in accordance with OpSpecs authorizing the use of EFVS. Persons conducting operations under a part 125 Letter of Deviation Authority (LODA) would conduct those operations in accordance with a letter of authorization (LOA) for EFVS

operations to touchdown and rollout. Part 91, subpart K, operators would be required to conduct these operations in accordance with their MSpecs authorizing the use of EFVS. Persons conducting operations under part 91 (other than those conducted under subpart K) would be required to conduct them in accordance with their LOA for EFVS operations to touchdown and rollout. Section L contains a discussion on how the FAA plans to manage EFVS operations to touchdown and rollout through OpSpecs, MSpecs, and LOAs.

Under the current EFVS rule, an EFVS installed on a U.S.-registered aircraft conducting EFVS operations to 100 feet must be installed on that aircraft in accordance with an FAA type design approval (a type certificate, amended type certificate, or supplemental type certificate). An EFVS that is currently certified to conduct EFVS operations to 100 feet above the touchdown zone elevation, however, may not meet the airworthiness standards necessary to support EFVS operations to touchdown and rollout. Therefore, the FAA proposes a similar certification process for an EFVS installed on an aircraft used in EFVS operations to touchdown and rollout and would require an FAA type design approval for these systems.

The FAA recognizes that a foreign-registered aircraft may not have an FAA-type design approval. Therefore, the proposal would also permit use of an EFVS in those aircraft that may not have an FAA-type design approval provided those aircraft are equipped with an operable EFVS that otherwise meets the requirements of the U.S. regulations.

Current § 91.175(m) states that an EFVS presents sensor imagery and aircraft symbology on a head-up display (HUD) or an equivalent display, so that they are clearly visible to the pilot flying in his or her normal position and line of vision looking forward along the flight path. A head-down display does not meet the regulatory requirement that the EFVS sensor imagery and aircraft flight symbology be presented so a pilot can see it while seated in his or her normal position and line of vision looking forward along the flight path. A head-down display, therefore, would not be considered an equivalent display.

Current § 91.175(m) also states that an EFVS includes imaging sensors, computers and power supplies, indications, and controls. It must also display the following aircraft flight information and flight symbology: airspeed, vertical speed, aircraft attitude, heading, altitude, command guidance as appropriate for the approach to be flown, path deviation indications, flight path vector, and flight path angle reference cue. The displayed EFVS imagery, attitude symbology, flight path vector, flight path angle reference cue, and other cues which are referenced to the imagery and external scene topography must be aligned with and scaled to the external view; therefore, they must be conformal. The flight path angle reference cue must also be displayed with the pitch scale, and the pilot must be able to select the appropriate descent angle for the approach. The EFVS sensor imagery and aircraft flight symbology must be displayed such that they do not obscure the pilot's outside view or field of view through the cockpit window. Finally, the display characteristics and dynamics must be suitable for manual control of the aircraft.

The FAA proposes to apply all of the equipment requirements of the current EFVS regulations found in § 91.175(m) to EFVS operations conducted to touchdown and rollout. The FAA would also require the EFVS to display height above ground level such as that provided by a radio altimeter or another device capable of providing equivalent performance. While EFVS-specific callouts are usually based upon barometric altitude, the FAA believes that the supplementary information provided by a radio altimeter would provide pilots with additional altitude information and assist those pilots with performing the flare and landing during EFVS operations to touchdown and rollout. The FAA believes this requirement is necessary to support altitude awareness during EFVS operations to touchdown and rollout.

The FAA also proposes to require a flare prompt or flare guidance, as appropriate, for achieving acceptable touchdown performance. Each applicant for type design approval would be required to demonstrate acceptable touchdown performance for their particular EFVS implementation using either flare prompt or flare guidance. The FAA believes this requirement is necessary to provide the pilot with additional information to conduct the flare maneuver during conditions of low visibility typically encountered during EFVS operations to touchdown and rollout.

When a minimum flightcrew of more than one pilot is required, the FAA proposes to require that the aircraft be equipped with a display that provides the pilot monitoring with EFVS sensor imagery. Under the FAA's proposal, this display must be located within the maximum primary field of view of the pilot monitoring and any symbology displayed must not adversely obscure the sensor imagery of the runway environment. The proposal also makes provision for dual EFVS installations, head mounted displays, and other head up presentations the FAA might find acceptable. While many EFVS-equipped aircraft provide a display of the sensor imagery to the pilot monitoring, U.S. regulations do not require that such a display be provided to the pilot monitoring for EFVS operations to 100 feet. For these operations, the FAA considers it sufficient to conduct the operation using EFVS-specific procedures and callouts to support crew coordination and common situation awareness. At 100 feet above the touchdown zone elevation, both pilots are relying on natural vision to identify the required visual references. During EFVS operations where the pilot flying relies on EFVS from DA/DH through touchdown and rollout, it cannot be assumed that the monitoring pilot sees anything of the outside environment using natural vision. Therefore, the FAA proposes to require that the aircraft be equipped with a display that provides the pilot monitoring with EFVS sensor imagery. This display would support the monitoring pilot's view of the outside environment and provide common situation awareness. The pilot monitoring would carry out his or her normal approach monitoring tasks and be required to use the display to monitor and assess the safe conduct of the approach, landing, and rollout. This would confirm that the required visual references are acquired, verify visual acquisition of and alignment with the runway of intended landing, and assist in determining that the runway is clear of aircraft, vehicles, or other obstructions.

For certain future EFVS operations, proposed § 91.176(a)(1)(ii) specifies that the Administrator may require the display of the EFVS sensor imagery, required aircraft flight information, and flight symbology to be provided to the pilot monitoring on a head-up display or other equivalent display appropriate to the operation being conducted. This provision is being made to provide the FAA with a means to respond to future advancements in sensor or display technology.

D. Revise Current Requirements for EFVS Operations to 100 feet (§ 91.176(b))

As stated in Section III–B, the FAA proposes to move the current requirements for EFVS operations to 100 feet from § 91.175(l) and (m) to proposed § 91.176(b) and restructure them to accommodate the regulatory changes set forth in this proposal.

The FAA proposes to permit EFVS to be used in the conduct of Category II and Category III operations. Accordingly, the exclusionary language ''other than Category II or Category III'' would be deleted from the current provisions of § 91.175(l) that are now found in proposed § 91.176(b). This change is discussed in more detail in Section III–I.

Proposed § 91.176(b)(3)(iii) would be structured to conform to the original intent of current § 91.175(l)(4) and include provisions for additional visual reference requirements similar to those proposed for inclusion in § 91.176(a)(3)(iii) and discussed in Section III–C. It would clarify that the requirement for the pilot to determine enhanced flight visibility is only applicable to that portion of the approach from the authorized DA/DH or MDA to 100 feet above the touchdown zone elevation. At and below 100 feet, flight visibility (using natural vision) would be required to be sufficient for the runway threshold, the lights or markings of the threshold, the runway touchdown zone landing surface, or the lights or markings of the touchdown zone to be distinctly visible and identifiable to the pilot without reliance on the EFVS.

The reference to ''standard instrument approach procedure'' currently found in § 91.175(l)(2) would be revised to ''instrument approach procedure'' when the provisions contained in that paragraph are included in proposed § 91.176(b)(3)(i). A corresponding provision would also be included in proposed § 91.176(a)(3)(i). These changes were made in recognition of the fact that persons conducting EFVS operations may use either standard or special instrument approach procedures.

Currently, there are no training, recent flight experience, or proficiency requirements in part 61 for persons conducting EFVS operations. The FAA believes it is necessary to establish training, recent flight experience, and proficiency requirements to ensure that pilots possess the skills necessary to operate EFVS equipment, that they are trained and tested to a standard, and that the training they receive supports the EFVS operation to be conducted. The FAA's proposal to add these requirements to part 61 are discussed in Sections III–E and III–F. Proposed training, recent flight experience, and proficiency requirements would apply to EFVS operations conducted to touchdown and rollout and to EFVS operations conducted to 100 feet above the touchdown zone elevation. Accordingly, the FAA proposes to include language in proposed § 91.176(b)(2)(v)(A) which would require each required pilot flight crewmember to meet the new training, recent flight experience, and proficiency requirements that would be added to part 61. Additionally, the FAA proposes to add rule language to proposed § 91.176(b)(2)(i) to require that each required pilot flight crewmember have adequate knowledge of, and familiarity with, the aircraft, the EFVS, and the procedures to be used.

Under current § 91.175(l), a part 119 or part 125 certificate holder cannot conduct an EFVS operation unless their OpSpecs authorize the use of EFVS. The same requirement applies to persons conducting operations under part 129. The proposed amendment would state that for persons conducting operations under part 91, subpart K, the operation would be required to be conducted in accordance with MSpecs authorizing the use of EFVS. For persons conducting operations under parts 121, 129, or 135 of this chapter, the operation would be required to be conducted in accordance with OpSpecs authorizing the use of EFVS. For persons conducting operations under part 125 of this chapter, the operation would be required to be conducted in accordance with OpSpecs authorizing the use of EFVS, or in the case of a part 125 LODA holder, an LOA for the use of EFVS. While the FAA proposes to require an LOA for part 91 operators (other than part 91, subpart K) to conduct EFVS operations to touchdown and rollout, no LOA is currently required or proposed for EFVS operations conducted to 100 feet.

Currently, most foreign civil aviation authorities (CAAs) require an authorization to conduct EFVS operations. As a result, a foreign CAA may require a U.S. operator who wishes to conduct EFVS operations in their country to submit their FAA EFVS authorization as a condition for the foreign CAA's approval. The FAA strongly recommends that operators contact the CAA of each foreign country in which they plan to conduct EFVS operations to determine the requirements for approval and for conducting EFVS operations since those requirements may be different from those of the United States.

As previously discussed in Section III–A, the FAA proposes to move the statement ''The EFVS includes the display element, sensors, computers and power supplies, indications, and controls.'' currently contained in § 91.175(m)(3) to the proposed revised definition of EFVS in § 1.1. The FAA also proposes not to include in the proposal the sentence ''It may receive inputs from an airborne navigation system or flight guidance system,'' which is currently contained in § 91.175(m)(3). While this statement provides contextual information, it is not a stated requirement, and would be more appropriately addressed in advisory or guidance material. The FAA proposes to remove the phrase ''on approaches without vertical guidance;'' contained in § 91.175(m)(2)(ii) because the flight path angle reference cue is useful on all approaches.

Additionally, the FAA would include language in proposed § 91.176(b)(1)(iii), which would clarify that a foreign registered aircraft need not have an FAA-type design approval provided the aircraft is equipped with an EFVS that meets all other applicable FAA requirements.

E. Establish Training Requirements for Persons Conducting EFVS Operations (§ 61.31)

Currently, part 61, which sets forth training requirements applicable to all pilots, flight instructors and ground instructors, does not contain specific training requirements for persons conducting EFVS operations. However, § 91.175(l) requires that any pilot conducting an EFVS operation under parts 121, 125, and 135 be qualified to use an EFVS in accordance with the applicable training, testing, and qualification provisions of those parts. Additionally, a pilot conducting EFVS operations must conduct those operations in accordance with OpSpecs issued to the certificate holder which authorize the use of EFVS. OpSpecs authorizing the use of EFVS specify training, testing, and qualification requirements applicable to the use of EFVS. Furthermore, persons conducting EFVS operations under part 91, subpart K must conduct those operations in accordance with MSpecs, which set forth specific training, testing, and qualification requirements applicable to the use of EFVS.

Although specific EFVS training requirements do not currently exist in part 61, both the FAA and EFVS manufacturers have recognized that pilots conducting EFVS operations need to be appropriately trained. FAA Aircraft Evaluation Group (AEG) Flight Standardization Boards (FSBs) have conducted operational suitability evaluations of EFVS equipment installed on certain airplanes, which have resulted in FSB reports that document the training, checking, and currency tasks that should be accomplished to safely operate this equipment. Certain aircraft

manufacturers have also encouraged flight crewmembers to receive training in the use of EFVS prior to conducting EFVS operations. These recommendations can be found in the airplane flight manuals for these manufacturers' aircraft. Additionally, recent recommendations by the National Transportation Safety Board (NTSB) and legislative action by Congress highlight a concern with and commitment to safety, pilot training, standards, and performance.

Non-commercial operators of EFVS-equipped aircraft have also recognized the need for specialized ground and flight training in the use of EFVS. These operators generally obtain EFVS training for their pilots at part 142 training centers prior to conducting EFVS operations. This practice clearly demonstrates the importance these operators place on training in order to safely conduct EFVS operations.

EFVS operations are often conducted in visibility conditions similar to those under which Special Authorization Category I, Category II, Special Authorization Category II, and Category III operations are conducted. These operations are conducted to lower than standard minima and require special aircrew training.

Expanding the operational conditions and benefits for operators who use EFVS technology would increase the number and mix of aircraft and operators conducting low visibility operations at airports throughout the national airspace system. Establishing training requirements for the conduct of EFVS operations would ensure that pilots meet minimum requirements to operate EFVS equipment, that they are trained and tested to a standard, and that an appropriate level of public safety is maintained. This approach is consistent with that taken for other technology-based vision enhancements such as night vision goggles, for which the FAA established training requirements in 2009 (74 FR 42500; August 21, 2009).

The FAA proposes, therefore, to codify current EFVS training practices by amending § 61.31 to require ground training for any person manipulating the controls of an aircraft or acting as pilot in command of an aircraft during an EFVS operation. This requirement would apply to EFVS operations conducted to 100 feet above the touchdown zone elevation under existing EFVS regulatory provisions and to EFVS operations conducted to touchdown and rollout under this proposal. In addition, the FAA would require any person who serves as a required pilot flight crewmember during an EFVS operation conducted to touchdown and rollout under proposed § 91.176(a) to obtain ground training. The ground training would be required to be received from an authorized instructor under a training program approved by the Administrator. Additionally, a logbook or other endorsement would be required to be obtained from an authorized instructor who would certify that the person satisfactorily completed the ground training.

A person who serves as a required pilot flight crewmember during an EFVS operation that is conducted to 100 feet under the existing EFVS rule, but who does not manipulate the controls or serve as pilot in command of that aircraft, would not be required to receive EFVS ground training. These pilots are not required to receive EFVS ground training under current regulatory provisions. The FAA believes that the EFVS-specific call outs and crew coordination items performed by the pilot monitoring who would not also be acting as pilot in command (PIC) during an EFVS operation to 100 feet are so similar in nature to duties he or she normally performs on an instrument approach procedure that the completion of a formal EFVS ground training program for these pilots should not be required. The FAA further believes that these pilots can obtain the knowledge necessary to satisfactorily accomplish these additional tasks through computer based training, self study, other non-regulatory means, or through compliance with other regulations. Section 61.55, for example, contains provisions requiring a person serving as second-in-command to be familiar with the operational procedures applicable to an aircraft's powerplant, equipment and systems, its performance specifications and limitations, its normal, abnormal, and emergency procedures, and its flight manual, placards and markings. Additionally, that pilot must comply with the training provisions of the part under which the operation is conducted, such as part 121, which requires ground and flight training appropriate to the particular assignment of the pilot flight crewmember.

Under this proposal, the ground training would, at a minimum, consist of the following subjects:

- Applicable portions of this Chapter I of Title 14 that relate to EFVS flight operations and limitations, including Aircraft Flight Manual (AFM) limitations;
- EFVS display, controls, modes, features, symbology, annunciations, and associated systems and components;
- EFVS sensor performance, sensor limitations, scene interpretation, visual anomalies, and other visual effects;
- Preflight planning and operational considerations associated with using EFVS during taxi, takeoff, climb, cruise, descent and landing phases of flight, including the use of EFVS for instrument approaches, operating below DA/DH or MDA, executing missed approaches, landing, rollout, and balked landings;
- Weather associated with low visibility conditions and its effect on EFVS performance;
- Normal, abnormal, emergency, and crew coordination procedures when using EFVS; and
- Interpretation of approach and runway lighting systems and their display characteristics when using an EFVS.

In considering those subjects that would be included in the proposed ground training, the FAA evaluated FSB recommendations and EFVS training material developed by part 142 training centers, EFVS manufacturers, and persons conducting operations under parts 121, 135, and subpart K of part 91. Additionally, the FAA reviewed EFVS training material used by the U.S. military and European Aviation Safety Agency (EASA) training requirements for EFVS operations.

The FAA also proposes to amend § 61.31 to require flight training for any person manipulating the controls of an aircraft or acting as pilot in command of an aircraft during an EFVS operation. In order to ensure the continuation of current flight training practices, implement FSB flight training recommendations, and perpetuate the safe conduct of EFVS operations in an increasingly complex and rapidly evolving operational environment, the FAA believes that any person manipulating the controls of an aircraft or acting as pilot in command of an EFVS operation should receive EFVS flight training. This requirement would apply to pilots conducting EFVS operations to 100 feet above the touchdown zone elevation under the existing rule and also to pilots conducting EFVS operations to touchdown and rollout under this proposal.

The FAA evaluated the same material it used to determine proposed ground training subjects and determined that EFVS flight training would, at a minimum, include the following tasks:

- Preflight and inflight preparation of EFVS equipment for EFVS operations, including EFVS setup and use of display, controls, modes and associated systems, including adjustments for

brightness and contrast under day and night conditions;

- Proper piloting techniques associated with using EFVS during taxi, takeoff, climb, cruise, descent, landing, and rollout, to include missed approaches and balked landings;
- Proper piloting techniques for the use of EFVS during instrument approaches, to include operations below DA/DH or MDA as applicable, under both day and night conditions;
- Determining enhanced flight visibility;
- Identifying required visual references appropriate to EFVS operations;
- Transitioning from EFVS sensor imagery to natural vision acquisition of required visual references and the runway environment;
- Using EFVS sensor imagery to touchdown and rollout, if EFVS operations as specified in § 91.176(a) are to be conducted; and
- Normal, abnormal, emergency, and crew coordination procedures when using an EFVS.

The flight training would have to be received from an authorized instructor under a training program approved by the Administrator. Additionally, a logbook or other endorsement would have to be obtained from an authorized instructor who finds the person proficient in the use of EFVS. To ensure that the authorized instructor providing the flight training is knowledgeable and proficient in the conduct of EFVS operations, that instructor would have to meet the training requirements for EFVS operations specified in proposed § 61.31(l).

Under this proposal, a training program approved by the Administrator could include EFVS training received through a part 141 pilot school, a part 142 training center, or an FAA-approved training program other than that provided under parts 141 or 142. One example of an FAA-approved training program other than that provided under parts 141 or 142 could be a training program approved under part 121. Another example could be an approved EFVS training program conducted by a corporate flight department with experience in the conduct of EFVS operations. The FAA would require an EFVS training program to be approved to ensure that pilots receiving that training are trained and tested to a specific standard and that the training program content supports the EFVS operation to be conducted.

Flight training for EFVS may be accomplished in the actual aircraft or in a simulator equipped with an EFVS. In accordance with FSB recommendations for EFVS training, the FAA has determined that flight simulators used to conduct this training would have to be either a level 'C' simulator with a daylight visual display, or a level 'D' simulator. Each simulator would have to be qualified for EFVS by the National Simulator Program.

The FAA recognizes that an operator may opt to conduct less than the full range of EFVS operations due to equipment or operational limitations. For example, an operator's aircraft may only be equipped to conduct EFVS operations to 100 feet above the touchdown zone elevation and its pilots are only trained to conduct those operations. That operator may later decide, however, to conduct EFVS operations to touchdown and rollout. The proposal would not require this operator's pilots to complete the full training program applicable to EFVS operations to touchdown and rollout, but only that portion of the flight training program addressing the differences between the two operations. The proposal would require that this training be documented by an endorsement. In lieu of completing this differences training, a pilot could complete a pilot proficiency check on the additional EFVS operations administered by an FAA inspector, designated examiner, a check airman under parts 121, 125, or 135, or a program manager check pilot under part 91, subpart K.

Under this proposal, the ground training requirements of proposed § 61.31(l)(1) and flight training requirements of proposed paragraph (l)(3) would not apply if a person has satisfactorily completed a pilot proficiency check on EFVS operations and received a logbook endorsement verifying that the check has been completed. The proficiency check, however, would be applicable to the specific type of EFVS operation to be conducted. For example, an EFVS proficiency check conducted for EFVS operations to 100 feet would not meet the requirement for a proficiency check for EFVS operations to touchdown and rollout. Additionally, a proficiency check for EFVS operations to touchdown and rollout may not meet all of the requirements for a proficiency check for EFVS operations to 100 feet because it may not include non-precision approaches. The FAA recognizes, however, that a proficiency check for EFVS operations to touchdown and rollout could be combined with a proficiency check for EFVS operations to 100 feet that addresses the conduct of non-precision approaches.

The pilot proficiency check would be permitted to be conducted by an FAA inspector or designated examiner, a check airman under parts 121, 125, or 135, or a program manager check pilot under part 91, subpart K. The pilot proficiency check could also be conducted by a person authorized by the U.S. Armed Forces to administer EFVS proficiency checks, provided the person receiving the check was a member of the U.S. Armed Forces at the time the check was administered. The proficiency check could also be conducted by an authorized instructor employed by a Federal, State, county, or municipal agency to administer an EFVS proficiency check, provided the person receiving the check was employed by that agency at the time the check was administered.

Under proposed § 61.31(l)(7), the requirements of § 61.31(l)(1) and (l)(3) would not apply to a person who has satisfactorily completed an EFVS training program, proficiency check, or other course of instruction applicable to EFVS operations conducted under § 91.176(b). The training program, proficiency check, or course of instruction would have to be acceptable to the FAA and could be completed prior to this proposal, but no later than 24 months after the effective date of the final rule. The EFVS training program could be provided by a part 141 pilot school, a part 142 training center, or through another course of instruction the FAA would consider acceptable. Because current industry practice for training pilots to conduct EFVS operations typically includes both ground and flight training, the FAA believes that most pilots currently conducting EFVS operations have already completed EFVS ground and flight training at a part 141 pilot school, a part 142 training center, or through other ground and flight training acceptable to the Administrator for which they could show a logbook endorsement or training record. The FAA believes this provision would decrease the regulatory burden on pilots who have been safely conducting EFVS operations to 100 feet under current regulations. Additionally, the proposal would provide pilot schools and training centers with adequate time to develop training programs that meet the proposed training requirements. By including specific provisions in proposed § 61.31(l)(7) to permit the use of training programs, proficiency checks or other courses of instruction for a 2 year period, the FAA would provide pilots currently conducting EFVS operations with a reasonable means of

demonstrating compliance with the proposed ground and flight training requirements of § 61.31(l)(1) and (l)(3). Providing pilots with time and a flexible means to show compliance with the proposed training requirements for EFVS should ensure that existing EFVS operators can comply with the new provisions with little or no impact.

F. Establish New Recent Flight Experience and Proficiency Requirements for Persons Conducting EFVS Operations (§ 61.57)

Part 61 does not currently contain recent flight experience or proficiency requirements in order to conduct EFVS operations. The FAA believes it is necessary to establish recent flight experience and proficiency requirements to ensure that an appropriate level of skill is maintained to permit a pilot to conduct EFVS operations in low visibility conditions. The FAA proposes to amend § 61.57 to require recent flight experience or a proficiency check for a person conducting an EFVS operation or acting as pilot in command during an EFVS operation. This requirement would apply to both EFVS operations conducted to 100 feet under the current EFVS rule and to EFVS operations conducted to touchdown and rollout under this proposal.

Although recent flight experience requirements are not currently specified in part 61 for the conduct of EFVS operations, the FAA believes that the proposal would lead to a significant increase in the scope and number of EFVS operations. EFVS operations are complex operations involving the use of a HUD with a sensor image that are typically conducted in low visibility conditions. The skills necessary to operate EFVS equipment under these conditions are perishable. In addition, the occurrence of these low visibility conditions is infrequent. Consequently, recent EFVS flight experience is necessary to prevent the loss of these skills and to ensure that EFVS operations are conducted safely. As EFVS equipment evolves to permit operations in lower visibility environments than are currently allowed, the need for pilots to maintain recent flight experience will become even more critical.

This proposal would permit a person to manipulate the controls of an aircraft during an EFVS operation or act as pilot in command of an aircraft during an EFVS operation only if, within 6 calendar months preceding the month of the flight, that person performs and logs six instrument approaches as the sole manipulator of the controls while using an EFVS. Unlike the instrument experience requirements specified in § 61.57(c), these approaches need not be conducted in actual weather conditions or under simulated conditions using a view-limiting device. Since the EFVS can present a sensor image to the pilot in both IFR and VFR weather conditions, the FAA proposes to permit these approaches to be conducted under any weather conditions. One approach would be required to terminate in a full stop landing. For persons seeking to maintain currency to conduct EFVS operations to touchdown and rollout, the full stop landing would be required to be conducted using the EFVS. This requirement could be met in an aircraft or in a simulator equipped with an EFVS. If an EFVS-equipped simulator is used, it would have to be a level ''C'' simulator, with a daylight visual display, or a level ''D'' simulator that has been qualified for EFVS by the National Simulator Program. The purpose of requiring recent EFVS flight experience is to ensure that a pilot remains proficient in the use of all EFVS system components and operating procedures.

Under the proposal, a person acting as pilot in command or a person who is manipulating the controls of an aircraft in an EFVS operation would either be required to meet the proposed EFVS recent flight experience requirements or pass an EFVS proficiency check. The proficiency check would consist of the training tasks listed in proposed § 61.31(l) and would be required to be performed in the category of aircraft for which the person is seeking the EFVS privilege or in a flight simulator that is representative of that category of aircraft. The proficiency check could also be accomplished in a level ''C'' simulator, with a daylight visual display, or a level ''D'' simulator that has been qualified for EFVS by the National Simulator Program. Under this proposal, an EFVS proficiency check must be performed by—

- An FAA Inspector or designated examiner who is qualified to perform EFVS operations in that same aircraft category;
- A person who is authorized by the U.S. Armed Forces to perform EFVS proficiency checks, provided the person being administered the check is also a member of the U.S. Armed Forces;
- A company check pilot who is authorized to perform EFVS proficiency checks under parts 121, 125, or 135, or subpart K of part 91 of this chapter, provided that both the check pilot and the pilot being tested are employees of that operator or fractional ownership program manager, as applicable;
- An authorized instructor who meets the additional training requirements for EFVS operations specified in § 61.31(l) of this chapter, and if conducting a proficiency check in an aircraft, the recent flight experience specified in paragraphs (h) or (i) of this section; or
- A person approved by the FAA to perform EFVS proficiency checks.

The FAA notes that in accordance with the provisions of § 61.57(e)(2), the proposed recent flight experience requirements would not apply to a pilot in command who is employed by an air carrier certificated to conduct operations under parts 121 or 135. The pilot, however, must be engaged in a flight operation under parts 91, 121, or 135 for that air carrier and in compliance with §§ 121.437 and 121.439, or §§ 135.243 and 135.247, as appropriate. Additionally, proposed § 91.176 would require each pilot flight crewmember to meet the applicable training, testing and qualification provisions of parts 121 or 135, as appropriate. The operation would also be required to be conducted in accordance with operations specifications authorizing the use of EFVS.

G. Permit EFVS-Equipped Aircraft To Be Dispatched, Released, or To Initiate a Flight When the Reported or Forecast Visibility at the Destination Airport Is Below Authorized Minimums (§§ 121.613, 121.615, 125.361, 125.363, 135.219)

Under current regulations, persons operating aircraft under part 121, 125, or 135 must evaluate weather reports and forecasts for the destination airport and determine that weather conditions at the expected time of arrival will be at or above the minimums authorized for the instrument approaches to be flown. This requirement must be met in order to dispatch a flight under part 121, release a flight under part 125, or takeoff under part 135, regardless of whether or not the aircraft is equipped with an approved EFVS. This limitation precludes operators from fully leveraging EFVS capabilities that would increase access, efficiency, and throughput at destination airports when low visibility is a factor.

The enhanced flight visibility provided by an EFVS enables instrument approach operations to be conducted safely in lower visibilities than would be possible using natural vision. To take full advantage of this capability and to provide improved operational reliability, the FAA proposes to amend the dispatch, flight release, and takeoff regulations found in §§ 121.613, 121.615, 125.361, 125.363,

and 135.219 to permit operators of EFVS-equipped aircraft to dispatch, release, or takeoff when weather reports or forecasts indicate that weather conditions will be below the minimums authorized for the approaches to be flown at the destination airport. In addition, the FAA proposes to amend the regulations to permit aircraft equipped with EFVS to initiate an approach under IFR when weather reports or forecasts, or any combination thereof, indicate the weather conditions at the destination airport are below the authorized minimums for the approach to be flown. Authorizations would be based on demonstrated EFVS capabilities. This proposal is discussed in more detail in Section III–H. These changes would enable operators to take full advantage of the operational capabilities provided by EFVS to improve access to runways, increase service reliability, and reduce the costs associated with operational delays, without compromising safety.

The FAA proposes to authorize operators of EFVS-equipped aircraft who plan to conduct EFVS operations at the destination airport to dispatch a flight under part 121, release a flight under part 125, or takeoff under part 135 when weather conditions at the destination airport will be below the minimums for the approach to be flown at the estimated time of arrival. This authorization is granted through OpSpecs for EFVS operations, or for part 125 LODA holders, their LOA for EFVS operations. The authorization would also apply to EFVS operations conducted to 100 feet above the touchdown zone elevation under proposed § 91.176(b), as well as to EFVS operations conducted to touchdown and rollout under proposed § 91.176(a). As further discussed in Section III–M, the FAA expects to manage this authorization through an operator's OpSpec or LOA for EFVS operations to ensure that an increase in the rate of missed approaches does not occur. Because EFVS performance can vary by sensor technology and design, meteorological conditions, and other factors, adjustments to the authorization could be made according to the performance demonstrated. Managing the authorization in this manner would permit the FAA to effectively respond to new technology developments and tailor an authorization to fit an operator's particular EFVS capabilities.

H. Permit operators of EFVS-Equipped Aircraft To Initiate or Continue an Approach When the Destination Airport Visibility Is Below Authorized Minimums (§§ 121.651, 125.325, 125.381, 135.225)

Under current § 121.651, no pilot may continue an approach past the FAF, or begin the final approach segment of an instrument approach procedure where a FAF is not used, when the latest weather report for that airport reports the visibility to be less than the visibility minimums prescribed for that procedure. There are two exceptions to this requirement. In the first exception, if a pilot has begun the final approach segment of an instrument approach procedure in accordance with § 121.651(b), and after that receives a weather report indicating below minimum conditions, he or she may continue the approach to DA/DH or MDA. Upon reaching DA/DH or at MDA, and at any time before the missed approach point, the pilot may continue the approach below DA/DH or MDA if either the requirements for conducting EFVS operations to 100 feet under current § 91.175(l) are met, or the requirements for continuing the approach using natural vision under § 121.651(c) are met.

The second exception permits a pilot to begin the final approach segment of an instrument approach procedure, other than a Category II or Category III procedure, at an airport when the visibility is less than the visibility minimums prescribed for that procedure if that airport is served by an operative instrument landing system (ILS) and an operative precision approach radar (PAR), and both are used by the pilot. The pilot may continue the approach below the authorized DA/DH if the requirements of current § 91.175(l) are met, or if the requirements for continuing the approach using natural vision under § 121.651(d) are met.

Under §§ 125.325 and 125.381, no pilot may execute an instrument approach procedure when the latest reported visibility is less than the landing minimums specified in the certificate holder's OpSpecs. Under § 135.225, no pilot may begin an instrument approach procedure to an airport when the latest weather report indicates that weather conditions are below the authorized IFR landing minimums for that airport. There are several exceptions to these requirements for persons conducting operations under parts 125 or 135. If a pilot conducting EFVS operations under part 125 has already initiated the instrument approach procedure, or if a pilot conducting EFVS operations in accordance with § 135.225(b) has begun the final approach segment of an instrument approach procedure, and subsequently receives another weather report that indicates conditions are below the minimum requirements, the pilot may continue the approach only if the requirements of current § 91.175(l) are met for EFVS operations conducted to 100 feet. If EFVS is not used, then the approach can only be continued if the later weather report is received during one of the following three phases: when the aircraft is on an ILS approach and has passed the FAF; the aircraft is on an airport surveillance radar (ASR) or PAR final approach and has been turned over to the final approach controller; or the aircraft is on a nonprecision final approach and the aircraft has passed the appropriate facility or FAF, or where a FAF is not specified, has completed the procedure turn and is established inbound toward the airport on the final approach course within the distance prescribed in the procedure. Upon reaching the authorized MDA or DH the pilot must find that the actual weather conditions are at or above the minimums prescribed for the procedure being used.

The visibility requirements currently imposed for beginning or continuing an approach under parts 121, 125, and 135, prevent EFVS from being used to its full operational advantage. These restrictions significantly limit the utility of EFVS for these operators resulting in reduced access to airports in low visibility conditions. Currently, EFVS equipage is highest among part 91 operators because they are not limited by restrictions on the weather conditions required to begin or continue an approach.

Nine years of EFVS operational experience has shown that, under certain reduced visibility conditions, an EFVS can increase the likelihood that an approach and landing can be successfully completed. In cases where the visibility is marginal, such as during rapidly changing weather conditions, or when the reported visibility hovers at or near the minimum authorized, natural vision may be inadequate for a pilot to detect the required visual references necessary to complete the approach. EFVS provides a significant operational advantage under reduced visibility conditions, when natural vision is most compromised. Ground stops, holding delays, and diversions to an alternate airport could be reduced in these situations, especially if persons conducting operations under parts 121, 125, and 135 are authorized to use an EFVS in weather conditions that would

normally preclude an approach from being initiated or continued. Since the proposal would authorize an EFVS-equipped aircraft to be dispatched when the destination weather is reported or forecast to be below authorized minimums, the FAA believes that permitting that aircraft to initiate or continue an approach in those weather conditions would also be appropriate.

Recognizing the operational benefits of EFVS, Federal Express Corporation (FedEx) petitioned for exemption from § 121.651(b)(2) on March 21, 2008 (Docket No. FAA–2008–0370) to the extent necessary to allow FedEx aircraft equipped with EFVS to continue an approach beyond the FAF, or to begin the final approach segment of an instrument approach procedure, if the latest weather report for that airport reports the visibility to be less than the visibility minimums prescribed for that procedure. On January 13, 2009, NetJets International, Inc. (NJI) petitioned for exemption from § 135.225(a)(2) (Docket No. FAA–2009–0047) to the extent necessary to allow NJI aircraft equipped with an EFVS to begin an instrument approach procedure to an airport when the latest weather report for that airport indicates that weather conditions are less than the authorized visibility minimums for that procedure. Both petitioners requested relief from the prohibition on beginning or continuing an approach when the reported visibility is below the authorized minimum visibility for the approach. Both petitioners asserted that granting their petitions would benefit the public while maintaining an equivalent level of safety to that provided under the current regulations. On December 24, 2009, the FAA issued Grant of Exemption No. 9984 to FedEx, and on September 30, 2010, the FAA issued Grant of Exemption No. 10147 to NJI. Both Grants of Exemption, however, were subject to specific conditions and limitations.

To take full advantage of the operational capability of EFVS and to increase the likelihood that an approach would be successfully completed in low visibility conditions, the FAA proposes to amend §§ 121.651, 125.325, 125.381, and 135.225, to permit persons conducting operations under parts 121, 125, or 135 to begin or to continue an approach when the reported visibility is below the authorized minimum visibility for the approach to be flown, provided the aircraft is equipped with, and the pilot uses, an EFVS in accordance with proposed § 91.176. The FAA proposes to authorize this operational capability for part 121, 125, and 135 operators through their OpSpec for EFVS operations, or for part 125 LODA holders, their LOA for EFVS operations. This authorization would apply to EFVS operations conducted to 100 feet above the touchdown zone elevation under proposed § 91.176(b), as well as to EFVS operations conducted to touchdown and rollout under proposed § 91.176(a). Authorizations would be based on demonstrated EFVS capabilities.

As an alternative to the proposal, the FAA considered authorizing a ⅓ visibility credit for EFVS-equipped operators as is currently permitted by EASA. Under EASA regulations, for example, if the authorized minimum visibility for an instrument approach procedure is 2400 feet runway visual range (RVR), a person operating an EFVS-equipped aircraft could reduce the minimum visibility required for an approach by ⅓ resulting in an adjusted required minimum visibility of 1600 RVR for the approach. After careful consideration, the FAA determined that this alternative would be unnecessarily restrictive and would not provide the flexibility necessary to accommodate future advances in EFVS technology.

As further discussed in Section III–M, the FAA expects to manage this authorization through an operator's OpSpec or LOA for EFVS operations. For reasons identical to those discussed in Section III–G, this action would permit the FAA to effectively respond to new technology developments and tailor an authorization to fit an operator's particular EFVS capabilities.

I. Revise Category II and III General Operating Rules To Permit the Use of an EFVS (§ 91.189)

The general operating rules for Category II and III operations are contained in § 91.189. Section 91.189, however, only pertains to part 91 operators other than those conducting operations under part 91, subpart K (see § 91.189(g)). The provisions of § 91.189 do not apply to Category II or III operations conducted by certificate holders operating under parts 121, 125, 129, or 135, or holders of MSpecs issued in accordance with part 91, subpart K.

Under current regulations, no pilot operating an aircraft on a Category II or Category III approach that requires the use of a DA/DH can continue the approach below the authorized decision height unless at least one of the visual references listed in § 91.189(d)(2) is distinctly visible and identifiable. Under current regulations, the visual references must be seen using natural vision. The FAA proposes to amend § 91.189(d) to permit an EFVS to be used in lieu of natural vision to identify the visual references required for descent below the authorized decision height on a Category II or III approach. A pilot conducting a Category II or III approach in accordance with § 91.189(d) would comply with either the provisions of that paragraph for identifying required visual references using natural vision or with the provisions of proposed § 91.176 for identifying required visual references using EFVS.

The FAA proposes to amend § 91.189(e) to permit a pilot operating an aircraft in a Category II or III approach to continue the approach below the authorized DA/DH provided that the conditions specified in proposed § 91.176 are met. The proposed changes would permit required visual references to be identified using EFVS in lieu of natural vision.

The FAA notes that all of the equipment requirements and airmen certification requirements for the conduct of Category II and Category III operations would continue to apply when an EFVS is also used during the conduct of those operations. The FAA also notes that an operator intending to use an EFVS to descend below DA/DH during the conduct of a Category II or Category III operation would be required to revise its Category II or Category III manual specified in § 91.191 to reflect the use of EFVS. A person seeking to conduct Category II or Category III operations where the use of EFVS is necessary to conduct those operations would have to be authorized by the Administrator.

The FAA believes that the use of an EFVS could provide operational benefits during the conduct of Category II and Category III approaches, especially as advanced imaging sensor capabilities are developed to penetrate lower visibility conditions. Using EFVS in combination with Category II or III capabilities could improve situation and position awareness throughout the approach, landing, and rollout. It could also minimize the potential for missed approaches, reduce the cost associated with missed approaches and contribute to increased access, efficiency, and throughput when low visibility is a factor.

J. Revise Pilot Compartment View Rules To Establish Airworthiness Standards for Vision Systems With Transparent Displays Located in the Pilot's Outside View (§§ 23.773, 25.773, 27.773, and 29.773)

Sections 23.773, 25.773, 27.773, and 29.773 specify the requirements and conditions under which the pilot compartment must provide an

extensive, clear, and undistorted view to the pilot for safe operation of the aircraft within its operating limitations. Additionally, the regulations specify that the pilot compartment must be free of glare and reflection that could interfere with the normal duties of the minimum flightcrew.

When these rules were originally issued, the FAA did not anticipate the development of vision systems with transparent displays that could significantly enhance, or even substitute for, a pilot's natural vision. Vision systems are used to display an image of the external scene to the flightcrew. This proposal, however, would only address vision systems with a transparent display surface located in the pilot's outside view, such as a head-up-display, head-mounted display, or other equivalent display. Such ''vision systems'' include any enhanced vision system, EFVS, SVS, or combined vision system.

For over a decade, the FAA has certified vision systems for transport category aircraft that have head-up displays. During this process, the FAA found that the existing airworthiness standards governing the pilot compartment view set forth in § 25.773 were inadequate to address the novel or unusual design features of these systems. Therefore, the FAA issued special conditions under § 21.16 to provide airworthiness standards which could be used to enable the installation of vision systems that would meet a level of safety equivalent to that established in the regulations. Special conditions were issued to each applicant, because special conditions are only applicable to individual certification projects, and would be needed for new projects until the regulations are amended.

The first issuance of special conditions for a vision system occurred in 2001 for the Gulfstream G–V. Since 2005, special conditions for vision systems have been issued for the following aircraft: (1) Bombardier BD–700 Global Express; (2) Bombardier CL–600; (3) McDonnell Douglas MD–10–10F/30F; (4) Dassault Falcon 900EX and 2000EX; (5) Boeing 737–700/–800/–900; (6) Boeing 757–200; (7) Boeing 777F; (8) Dassault Falcon 7X; and (9) Gulfstream G–VI.

These special conditions were developed to ensure that the vision system could perform its intended functions with a level of safety equivalent to that established in the regulations. While the FAA issues special conditions to address novel or unusual design features in a particular aircraft, for consistency the FAA attempted to standardize these special conditions to the maximum extent possible. With over twelve years of experience, the process of developing special conditions for vision systems has become routine. Operational experience has shown that the certification requirements, set forth in the special conditions, have resulted in safe and effective vision system operations.

The FAA recognizes, however, that the issuance of these special conditions adds significant time and expense to a certification project. These concerns have also been noted in the May 22, 2012 *Report from the Aviation Certification Process Review and Reform Aviation Rulemaking Committee to the Federal Aviation Administration*.

In that report, the committee recommended that the FAA address the continued use of special conditions in lieu of rulemaking by updating airworthiness standards in cases where special conditions have been used for a period of time and the design being evaluated is no longer new or novel. Accordingly, the FAA has determined it would be in the public interest to revise pilot compartment view rules to establish airworthiness standards for vision systems with transparent displays. This action would respond to the committee's concerns, provide industry with known requirements for the certification of these systems, and eliminate the costs resulting from the process of issuing special conditions.

Based on the experience gained by the FAA in developing special conditions, the FAA now believes that it is appropriate to establish airworthiness standards for vision systems with transparent displays located in the pilot's outside view for airplanes and rotorcraft. Accordingly, the FAA proposes to amend §§ 23.773, 25.773, 27.773, and 29.773 to include those general requirements that were previously contained in special conditions. In recognition of the rapid development of vision system technology, the proposed amendments are also written to permit the certification of a wide range of current and future vision systems and to address display methods other than a HUD, such as head-mounted displays or other types of head-up presentations.

Although the proposed amendments differ slightly in structure to conform with the sections to which they have been added, the proposed requirements are essentially identical. The amendments would ensure that the system compensates for interference, provides an undistorted and conformal view of the external scene, provides a means to deactivate the display, and does not restrict the pilot from performing specific maneuvers.

Each section would be amended to ensure that, while the vision system display is in operation, it must compensate for interference with the pilot's outside view. The combination of what is visible in the display and what remains visible through and around it must enable the pilot using a vision system to perform those actions necessary for the operation of the aircraft as safely and effectively as would a pilot without a vision system.

The FAA proposes that while the vision system is in operation, it must provide an undistorted view of the external scene. To ensure that the information provided by the vision system to the pilot is conformal to the external scene, the FAA would require that the imagery, attitude symbology, flight path vector, flight path angle reference cue, and other cues which are referenced to this imagery and external scene topography, be presented in a manner that is aligned with, and scaled to, the external scene.

The vision system would be required to provide a means to allow the pilot using the display to immediately deactivate and reactivate the vision system imagery, on demand, without removing the pilot's hands from the primary flight controls and thrust, or power, controls. The FAA believes that this proposed requirement is necessary in the unlikely event that the vision system does not provide a clear and undistorted image of the external scene or when the pilot does not wish to utilize the system's full capabilities in time critical situations.

When the vision system is not in operation, it must not restrict the pilot from performing those maneuvers necessary for the safe operation of the aircraft or detract from the ability of the pilot compartment to meet applicable airworthiness standards. This proposed requirement would ensure that when the vision system is not in operation the pilot would be able to operate the aircraft as safely and effectively as would a pilot without a vision system.

The FAA notes that previously issued special conditions contained additional requirements that have not been set forth in this proposal. The FAA proposes that those previous requirements be specified in guidance material as a means of compliance with the proposed requirements set forth in §§ 23.773, 25.773, 27.773, and 29.773. This guidance would be contained in proposed AC 20–167A, Airworthiness Approval of Enhanced Vision System, Synthetic Vision System, Combined

Vision System, and Enhanced Flight Vision System Equipment. Additionally, certification criteria for head-up displays is contained in AC 25–11A, Change 1, Electronic Flight Deck Displays.

K. Related Amendments (§§ 91.175, 91.189, and 91.905)

The reference in current § 91.175(c)(3)(vi) to the term ''visual approach slope indicator'' would be revised to ''the visual glideslope indicator.'' The FAA proposes to revise this term because the term ''visual approach slope indicator'' is excessively restrictive. The proposed revision would permit other devices, such as a precision approach path indicator (PAPI) and a pulsating visual approach slope indicator (PVASI), that provide visual glideslope information to be used as a required visual reference for operations below DA/DH or MDA during the conduct of an instrument approach procedure.

In a previous rulemaking action, Area Navigation (RNAV) and Miscellaneous Amendments (72 FR 31678; Jun 7, 2007), the FAA changed most of the references to ''DH or MDA'' in § 91.175 to ''DA/DH or MDA.'' However, the references to ''DH or MDA'' in § 91.175(l) were not changed. The FAA proposes to correct this inadvertent omission and amend proposed § 91.176(b) accordingly.

Currently § 91.175 is listed as one of the rules in § 91.905 that is subject to waiver. As the proposal moves the provisions applicable to EFVS operations to 100 feet currently contained in § 91.175(l) and (m) to proposed § 91.176, the FAA proposes to amend § 91.905 to include proposed § 91.176 as a rule subject to waiver. Proposed § 91.176 would also contain regulatory provisions applicable to EFVS operations to touchdown and rollout. As the FAA has already permitted EFVS operations to 100 feet to be subject to waiver, the FAA proposes that the provisions of the rule applicable to EFVS operations to touchdown and rollout also be subject to waiver.

L. Conforming Amendments (§§ 91.175 and 91.189)

Certain conforming amendments consisting of revisions to regulatory citations and updates to terms need to be made as the result of this proposed rulemaking action and a previous rulemaking action.

The introductory text of § 91.175(c) would be amended to change the reference to ''paragraph (l) of this section'' to ''§ 91.176'' since proposed § 91.176 would contain the current and proposed rules for EFVS.

The FAA proposes to amend § 91.175(d)(1) to refer to proposed § 91.176 because proposed § 91.176 would contain rules for EFVS operations. The FAA also proposes to amend § 91.175(d)(1) to delete the reference to paragraph (l)(4) of that section and refer to paragraphs (a)(3)(iii) and (b)(3)(iii) of proposed § 91.176. These paragraphs would contain the visual references required for descent below 100 feet above the touchdown zone elevation for EFVS operations to touchdown and rollout and EFVS operations to 100 feet, respectively.

Paragraph (e)(1) of § 91.175 would be amended to revise the reference to paragraph (l) of that section to refer to proposed § 91.176 which would contain the rules for EFVS operations.

M. Implementation

The FAA proposes to limit initial implementation of EFVS operations to touchdown and rollout to visibilities of no lower than 1000 RVR because airworthiness and certification criteria have not been developed to support EFVS operations below 1000 RVR. All operators who wish to conduct EFVS operations to touchdown and rollout under this proposal would be required to obtain an OpSpec, MSpec, or LOA, as appropriate.

Airworthiness and certification criteria to support EFVS operations to touchdown and rollout in visibilities as low as 1000 RVR were developed through FAA and industry participation on RTCA Special Committee 213 (SC–213). RTCA SC–213 was tasked with developing minimum aviation system performance standards (MASPS) for both EFVS operations to 100 feet and EFVS operations to touchdown and rollout. The special committee was also tasked with developing MASPS for synthetic vision systems (which are not the subject of the operational requirements of this rule) and combined vision systems. On December 16, 2008, RTCA published DO–315, which contained the MASPS for EFVS operations to 100 feet above the touchdown zone elevation. The FAA subsequently incorporated these MASPS into AC 20–167, Airworthiness Approval of Enhanced Vision System, Synthetic Vision System, Combined Vision System, and Enhanced Flight Vision System Equipment. RTCA SC–213 then began work on MASPS for EFVS to touchdown operations. Because the airworthiness requirements to support EFVS operations in very low visibilities would be different than those conducted in a higher visibility range, SC–213 recommended parsing the MASPS for touchdown and rollout operations into two activities—MASPS for EFVS to touchdown and rollout down to 1000 RVR and MASPS for EFVS to touchdown and rollout down to 300 RVR. RTCA published DO–315A on September 15, 2010, which contains the MASPS for EFVS operations to touchdown and rollout down to 1000 RVR. The FAA currently only plans to revise AC 20–167 to incorporate these MASPS for EFVS operations to touchdown and rollout down to 1000 RVR. RTCA SC–213, however, is currently working to develop MASPS for EFVS operations to touchdown and rollout in visibilities down to 300 RVR.

Current enhanced flight vision systems use infrared-based (IR-based) sensors. While IR-based sensors provide the required enhanced flight visibility in certain visibility-limiting conditions, they currently do not provide the enhanced flight visibility required by the operating rules for EFVS to support operations in lower visibility ranges. Industry is developing other sensor technologies, such as millimeter wave radar, that are not limited in the same ways that IR-based sensors are limited. These efforts are still developmental, but show promise. Anticipating that industry's sensor development efforts will produce sensors or sensor combinations that will provide adequate enhanced flight visibility to support operations at less than 1000 RVR, the FAA's proposed rule language has been written in a performance-based manner.

The FAA intends to manage these authorizations for EFVS to touchdown and rollout through OpSpecs, MSpecs, and LOAs. Managing authorizations in this manner would enable the FAA to structure an operator's operational approval in a way that is performance-based—a way that links equipage and system performance to specific operational capabilities and authorizations. It would also permit the FAA to respond more rapidly to new technology. Rather than restricting the use of all vision technologies to a rigid and limiting set of visibility values, the FAA, for example, could permit new EFVS operations as vision technologies and appropriate equipment certification criteria are developed. The FAA believes that its actions would accommodate future growth in real-time sensor technologies without having to amend the regulations to address these future technological advancements.

IV. Regulatory Notices and Analyses

A. Regulatory Evaluation

Changes to Federal regulations must undergo several economic analyses. First, Executive Order 12866 and Executive Order 13563 direct that each Federal agency shall propose or adopt a regulation only upon a reasoned determination that the benefits of the intended regulation justify its costs. Second, the Regulatory Flexibility Act of 1980 (Public Law 96–354) requires agencies to analyze the economic impact of regulatory changes on small entities. Third, the Trade Agreements Act (Public Law 96–39) prohibits agencies from setting standards that create unnecessary obstacles to the foreign commerce of the United States. In developing U.S. standards, the Trade Act requires agencies to consider international standards and, where appropriate, that they be the basis of U.S. standards. Fourth, the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4) requires agencies to prepare a written assessment of the costs, benefits, and other effects of proposed or final rules that include a Federal mandate likely to result in the expenditure by State, local, or tribal governments, in the aggregate, or by the private sector, of $100 million or more annually (adjusted for inflation with base year of 1995). This portion of the preamble summarizes the FAA's analysis of the economic impacts of this proposed rule. We suggest that readers seeking greater details read the full regulatory evaluation, a copy of which we placed in the docket for this rulemaking.

In conducting these analyses, the FAA has determined that this proposed rule: (1) Has benefits that justify the costs; (2) is not an economically ''significant regulatory action'' as defined in section 3(f) of Executive Order 12866; (3) is not ''significant'' as defined in DOT's Regulatory Policies and Procedures; (4) would not have a significant economic impact on a substantial number of small entities; (5) would not create unnecessary obstacles to the foreign commerce of the United States; and (6) would not impose an unfunded mandate on state, local, or tribal governments, or other private sectors by exceeding the threshold identified above. These analyses are summarized below.

Parties Potentially Affected by This Rulemaking

- Original equipment manufacturers (OEMs) producing enhanced flight vision systems (EFVS) or other vision systems, in accordance with parts 23, 25, 27, or 29
- Persons installing EFVS or other vision systems with a transparent display surface located in the pilot's outside view
- Persons conducting EFVS operations under parts 91, 121, 125, 129, or part 135
- Persons conducting EFVS training

Principal Assumptions and Sources of Information

- A 10-year period for this analysis is used because this period captures all significant cost impacts
- Discount rate is 7 percent (Office of Management & Budget, Circular A–4, ''Guidelines and Discount Rates for Benefit-Cost Analysis of Federal Programs,'' October 29, 1992, p. 8, *www.whitehouse.gov/omb/circulars/index.html*)
- An average of 4 pilots assigned to each EFVS-equipped aircraft
- OEMs and two operators provided the number of EFVS-equipped aircraft
- Operators of some aircraft equipped with older EFVS units would not seek certification for EFVS to touchdown and rollout
- The estimation of the incremental training cost per person is approximately $750 based on data collected from training centers
- Certification costs of incremental EFVS capabilities to touchdown and rollout are approximately $1 million in the aggregate
- Aircraft operations over the next 10 years will grow about 3.7% per year based on the FAA 2012 forecast (Table 28, FAA Aerospace Forecast Fiscal Years 2012–2032) [1]

Benefits of This Rule

Since the decision to conduct EFVS operations is voluntary, the FAA expects those who choose to engage in those operations would do so only if the expected benefit to them exceeds the cost they incur. The proposed rule would enable expanded EFVS operations, which would increase access, efficiency and throughput in low visibility conditions, and minimize potential for missed approaches and delayed take-offs. In addition, EFVS permits low visibility operations on a greater number of approach procedure types. Changes in the U.S. aviation infrastructure,[2], for example, the transition from incandescent to light-emitting diode (LED) approach lights, could potentially impact the near term benefits for persons using EFVS equipment but may not impact future benefits of EFVS equipment designed to be interoperable with LEDs. The impact on the benefits is unknown because both the infrastructure and EFVS capabilities are evolving. Benefits of this proposed rule would be realized by averting costs related to interrupted flight operations due to low visibility resulting in lost passenger time and extra fuel consumption.

Since aircraft currently cannot use EFVS to touchdown and rollout, we do not have sufficient historical data to quantify these benefits. We invite comments from existing EFVS operators about their expected benefits. We request comments to include airplanes affected, type of operation, number of approaches that would be completed as a result of adopting the provisions of the proposed rule, and extra costs of missed approaches and delayed departures and arrivals.

Revisions to pilot compartment view requirements for vision systems with a transparent display surface located in the pilot's outside view would codify the current practice of issuing special conditions for each of these vision systems by providing industry with known requirements for the certification of these systems under parts 23, 25, 27, and 29. Because the proposed changes would streamline the certification process for these vision systems by eliminating the need to issue special conditions, the FAA and applicants would save the time and expense associated with the issuance of these special conditions. The full extent of these benefits is not known and therefore has not been quantified in this analysis.

Costs of This Rule

The regulatory costs attributed to the proposed requirements are those above and beyond the current regulation and common practice. The FAA estimates compliance costs as the incremental differences in costs, resulting from the proposed changes in training, equipment and certification requirements. Data were obtained from EFVS original equipment manufacturers, training centers, and two operators. The total incremental cost attributable to the proposed requirements equals nominal training cost ($4.3 million) plus the initial certification cost ($1 million). The compliance cost of the proposed equipment requirements is negligible. The total incremental cost of the proposed rule is approximately $5.3 million for the ten year period. The present value cost is approximately $4.5 million using a seven percent discount

[1] The FAA forecast for active general aviation (GA) turbojets is 3.7% for the period of 2011–2021.

[2] FAA airport infrastructure decisions are independent from this analysis.

rate. The following table presents the summary of the regulatory costs in 2012 dollars (nominal value) and present value (PV).

Cost component	Cost in 2012 dollars ($ million)	PV at 7% ($ million)
Training Cost	$4.3	$3.5
Certification Cost	1	1
Total	5.3	4.5

Revisions to pilot compartment view requirements for vision systems with a transparent display surface located in the pilot's outside view would not result in additional certification costs compared to the current process of issuing special conditions for each vision system installation because the amendment would not require the FAA or an applicant to take additional actions to certificate these systems. The full extent of the costs for the certification of new vision systems with a transparent display surface located in the pilot's outside view is not known and has not been quantified in the analysis.

Benefit/Cost Summary

The total estimated cost of this proposed rule over 10 years is approximately $5.3 million nominal value or $4.5 million present value at a 7% discount rate. The annualized cost of this proposed rule in current dollar value is a half million dollars. These estimated compliance costs would be incurred by those operators who want improved EFVS capabilities. OEMs are already proceeding with efforts to expand EFVS capabilities, which indicate the benefits of conducting expanded EFVS operations would likely exceed the costs. Operators have also expressed an interest in obtaining EFVS capabilities to conduct operations to touchdown and rollout. The revisions to pilot compartment view requirements for vision systems with a transparent display surface located in the pilot's outside view would not impose additional costs from those currently incurred using the special conditions process. The FAA believes the proposed rule would have benefits exceeding costs based on the likelihood that OEMs and operators would voluntarily incur the costs of the proposed rule in order to realize expected benefits. To quantify benefits, we request comments about expected benefits attributable to the proposed rule.

B. Regulatory Flexibility Determination

The Regulatory Flexibility Act of 1980 (Public Law 96–354) (RFA) establishes ''as a principle of regulatory issuance that agencies shall endeavor, consistent with the objectives of the rule and of applicable statutes, to fit regulatory and informational requirements to the scale of the businesses, organizations, and governmental jurisdictions subject to regulation. To achieve this principle, agencies are required to solicit and consider flexible regulatory proposals and to explain the rationale for their actions to assure that such proposals are given serious consideration.'' The RFA covers a wide-range of small entities, including small businesses, not-for-profit organizations, and small governmental jurisdictions.

Agencies must perform a review to determine whether a rule will have a significant economic impact on a substantial number of small entities. If the agency determines that it will, the agency must prepare a regulatory flexibility analysis as described in the RFA. However, if an agency determines that a rule is not expected to have a significant economic impact on a substantial number of small entities, section 605(b) of the RFA provides that the head of the agency may so certify and a regulatory flexibility analysis is not required.

The FAA expects many small entities would benefit from this proposed rule. The purpose of the rule is to provide the safe operating requirements which would allow EFVS to extend operations from the current 100 feet above the touchdown zone elevation to landing. As these systems are largely installed in general aviation turbojets, we expect a substantial number of small entities to be affected. However, as the rule is voluntary, these small entities must choose to comply with this rule to obtain additional EFVS capabilities. Given the value of these turbojets, the value of EFVS and the value of the flights, the additional training cost would not result in a significant economic impact. Therefore, the FAA certifies that this proposed rule would not have a significant economic impact on a substantial number of small entities.

C. International Trade Impact Assessment

The Trade Agreements Act of 1979 (Pub. L. 96–39), as amended by the Uruguay Round Agreements Act (Pub. L. 103–465), prohibits Federal agencies from establishing standards or engaging in related activities that create unnecessary obstacles to the foreign commerce of the United States. Pursuant to these Acts, the establishment of standards is not considered an unnecessary obstacle to the foreign commerce of the United States, so long as the standard has a legitimate domestic objective, such the protection of safety, and does not operate in a manner that excludes imports that meet this objective. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards. The FAA has assessed the potential effect of this proposed rule and determined that the rule would not impose obstacles to foreign commerce, as foreign exporters do not have to change their current export products to the United States.

D. Unfunded Mandates Assessment

Title II of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4) requires each Federal agency to prepare a written statement assessing the effects of any Federal mandate in a proposed or final agency rule that may result in an expenditure of $100 million or more (in 1995 dollars) in any one year by State, local, and tribal governments, in the aggregate, or by the private sector; such a mandate is deemed to be a ''significant regulatory action.'' The FAA currently uses an inflation-adjusted value of $143.1 million in lieu of $100 million. This proposed rule does not contain such a mandate; therefore, the requirements of Title II of the Act do not apply.

E. Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)) requires that the FAA consider the impact of paperwork and other information collection burdens imposed on the public.

According to the 1995 amendments to the Paperwork Reduction Act (5 CFR 1320.8(b)(2)(vi)), an agency may not collect or sponsor the collection of information, nor may it impose an information collection requirement unless it displays a currently valid Office of Management and Budget (OMB) control number.

This action contains the following proposed information collection requirements. As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)), the FAA has submitted these proposed information collection requirements to OMB for its review.

The paperwork burden comprises documentation of requirements for training, recent flight experience, and proficiency under § 61.31. The following analyses were conducted under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501). If some operators eventually choose to conduct EFVS operations to touchdown and rollout, the provisions of proposed § 61.31(l) would result in a requirement to keep records of training, recent flight experience, and proficiency. It would not require mandatory reporting. We estimate the paperwork burden of these requirements to be $86,000.

The total cost of the annualized paperwork burden is determined by multiplying the number of pilots per EFVS-equipped aircraft (four) by the number of EFVS aircraft (982) and then by the time of complying with the paperwork requirements for each pilot. The requirement of keeping flight crewmembers' training documentation is covered under current Federal aviation regulations. Therefore, we would not repeat the cost estimate of recordkeeping due to current training requirement. Operators, however, are required to log their approaches using EFVS in 6 months in compliance with the recent flight experience and proficiency requirements of the proposed rule. The action of logging each approach in a semiannual frequency can be done manually or electronically. We estimated the time required to complete recordkeeping by flight crewmembers would be about 0.10 hours semiannually or 0.20 hours annually. Assuming 3,928 pilots would be affected by the recordkeeping provisions of the rule, it would require about 786 hours of annual paperwork, and approximately $86,000 nominal cost at the maximum based on the average wage rate of $109 for flight crewmembers from the RITA–BTS Form 41.

Individuals and organizations may submit comments on the information collection requirement by September 9, 2013, and should direct them to the address listed in the **ADDRESSES** section of this document. Comments also should be submitted to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Desk Officer for FAA, New Executive Building, Room 10202, 725 17th Street NW., Washington, DC 20053 or via facsimile at (202) 395–6974.

According to the 1995 amendments to the Paperwork Reduction Act (5 CFR 1320.8(b)(2)(vi)), an agency may not collect or sponsor the collection of information, nor may it impose an information collection requirement unless it displays a currently valid OMB control number. The OMB control number for this information collection will be published in the **Federal Register**, after the Office of Management and Budget approves it.

F. International Compatibility

In keeping with U.S. obligations under the Convention on International Civil Aviation, it is FAA policy to conform to International Civil Aviation Organization (ICAO) Standards and Recommended Practices to the maximum extent practicable. The FAA has determined that there are no ICAO Standards and Recommended Practices that correspond to these proposed regulations.

G. Environmental Analysis

FAA Order 1050.1E identifies FAA actions that are categorically excluded from preparation of an environmental assessment or environmental impact statement under the National Environmental Policy Act in the absence of extraordinary circumstances. The FAA has determined this rulemaking action qualifies for the categorical exclusion identified in paragraph 312f and involves no extraordinary circumstances.

V. Executive Order Determinations

A. Executive Orders 12866 and 13563

See the ''Regulatory Evaluation'' discussion in the ''Regulatory Notices and Analyses'' section elsewhere in this preamble.

B. Executive Order 13132, Federalism

The FAA has analyzed this proposed rule under the principles and criteria of Executive Order 13132, Federalism. The agency has determined that this action would not have a substantial direct effect on the States, or the relationship between the Federal Government and the States, or on the distribution of power and responsibilities among the various levels of government, and, therefore, would not have Federalism implications.

C. Executive Order 13211, Regulations That Significantly Affect Energy Supply, Distribution, or Use

The FAA analyzed this proposed rule under Executive Order 13211, Actions Concerning Regulations that Significantly Affect Energy Supply, Distribution, or Use (May 18, 2001). The agency has determined that it would not be a ''significant energy action'' under the executive order and would not be likely to have a significant adverse effect on the supply, distribution, or use of energy.

VI. Additional Information

A. Comments Invited

The FAA invites interested persons to participate in this rulemaking by submitting written comments, data, or views. The agency also invites comments relating to the economic, environmental, energy, or federalism impacts that might result from adopting the proposals in this document. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. To ensure the docket does not contain duplicate comments, commenters should send only one copy of written comments, or if comments are filed electronically, commenters should submit only one time.

The FAA will file in the docket all comments it receives, as well as a report summarizing each substantive public contact with FAA personnel concerning this proposed rulemaking. Before acting on this proposal, the FAA will consider all comments it receives on or before the closing date for comments. The FAA will consider comments filed after the comment period has closed if it is possible to do so without incurring expense or delay. The agency may change this proposal in light of the comments it receives.

Proprietary or Confidential Business Information: Commenters should not file proprietary or confidential business information in the docket. Such information must be sent or delivered directly to the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this document, and marked as proprietary or confidential. If submitting information on a disk or CD ROM, mark the outside of the disk or CD ROM, and identify electronically within the disk or CD ROM the specific information that is proprietary or confidential.

Under 14 CFR 11.35(b), when the FAA is aware of proprietary information

filed with a comment, the agency does not place it in the docket. It is held in a separate file to which the public does not have access, and the FAA places a note in the docket that it has received it. If the FAA receives a request to examine or copy this information, it treats it as any other request under the Freedom of Information Act (5 U.S.C. 552). The FAA processes such a request under Department of Transportation procedures found in 49 CFR part 7.

B. Availability of Rulemaking Documents

An electronic copy of rulemaking documents may be obtained from the Internet by—

1. Searching the Federal eRulemaking Portal (*http://www.regulations.gov*);

2. Visiting the FAA's Regulations and Policies Web page at *http://www.faa.gov/regulations_policies* or

3. Accessing the Government Printing Office's Web page at *http://www.gpo.gov/fdsys/.*

Copies may also be obtained by sending a request to the Federal Aviation Administration, Office of Rulemaking, ARM–1, 800 Independence Avenue SW., Washington, DC 20591, or by calling (202) 267–9680. Commenters must identify the docket or notice number of this rulemaking.

All documents the FAA considered in developing this proposed rule, including economic analyses and technical reports, may be accessed from the Internet through the Federal eRulemaking Portal referenced in item 1 above.

VII. The Proposed Amendment

List of Subjects

14 CFR Part 1

Air transportation.

14 CFR Part 23

Aircraft, Aviation safety.

14 CFR Part 25

Aircraft, Aviation safety.

14 CFR Part 27

Aircraft, Aviation safety.

14 CFR Part 29

Aircraft, Aviation safety.

14 CFR Part 61

Aircraft, Airmen, Reporting and recordkeeping requirements.

14 CFR Part 91

Air traffic control, Aircraft, Airmen, Airports, Aviation safety, Reporting and recordkeeping requirements.

14 CFR Part 121

Air carriers, Aircraft, Airmen, Aviation safety, Charter flights, Safety, Transportation.

14 CFR Part 125

Aircraft, Airmen, Aviation safety.

14 CFR Part 135

Air taxis, Aircraft, Airmen, Aviation safety.

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend chapter I of title 14, Code of Federal Regulations as follows:

PART 1—DEFINITIONS AND ABBREVIATIONS

■ 1. The authority citation for part 1 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

■ 2. Amend § 1.1 by adding the definition of ''EFVS operation'' in alphabetical order, and revising the definition for ''Enhanced flight vision system (EFVS)'' to read as follows:

§ 1.1 General definitions.

* * * * *

EFVS operation means an operation in which an EFVS is required to be used to perform an approach or landing, determine enhanced flight visibility, identify required visual references, or conduct the rollout.

* * * * *

Enhanced flight vision system (EFVS) means an installed aircraft system which uses an electronic means to provide a display of the forward external scene topography (the applicable natural or manmade features of a place or region especially in a way to show their relative positions and elevation) through the use of imaging sensors, such as forward-looking infrared, millimeter wave radiometry, millimeter wave radar, or low-light level image intensification. The EFVS sensor imagery and required aircraft flight information and flight symbology is displayed on a head-up display, or an equivalent display, so that the imagery and symbology is clearly visible to the pilot flying in his or her normal position with the line of vision looking forward along the flight path. An EFVS includes the display element, sensors, computers and power supplies, indications, and controls.

* * * * *

PART 23—AIRWORTHINESS STANDARDS: NORMAL, UTILITY, ACROBATIC, AND COMMUTER CATEGORY AIRPLANES

■ 3. The authority citation for part 23 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701–44702, 44704.

■ 4. Amend § 23.773 by adding paragraph (c) to read as follows:

§ 23.773 Pilot compartment view.

* * * * *

(c) A vision system with a transparent display surface located in the pilot's outside view, such as a head-up-display, head-mounted display, or other equivalent display, must meet the following requirements:

(1) While the vision system display is in operation, it must compensate for interference with the pilot's outside view such that the combination of what is visible in the display and what remains visible through and around it, enables the pilot to perform the maneuvers as specified in paragraph (a)(1) of this section and the pilot compartment to meet the provisions of paragraph (a)(2) of this section.

(2) While the vision system display is in operation, it must provide an undistorted view of the external scene. The vision system display must present the imagery, attitude symbology, flight path vector, flight path angle reference cue, and other cues which are referenced to this imagery and external scene topography, so that they are aligned with, and scaled to, the external scene.

(3) The vision system must provide a means to allow the pilot using the display to immediately deactivate and reactivate the vision system imagery, on demand, without removing the pilot's hands from the primary flight controls (yoke or equivalent) or thrust controls.

(4) When the vision system is not in operation it must not restrict the pilot from performing the maneuvers as specified in paragraph (a)(1) of this section and the pilot compartment from meeting the provisions of paragraph (a)(2) of this section.

PART 25—AIRWORTHINESS STANDARDS: TRANSPORT CATEGORY AIRPLANES

■ 5. The authority citation for part 25 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701, 44702, and 44704.

■ 6. Amend § 25.773 by adding paragraph (e) to read as follows:

§ 25.773 Pilot compartment view.

* * * * *

(e) *Vision systems with transparent displays.* A vision system with a transparent display surface located in the pilot's outside view, such as a head-up-display, head-mounted display, or other equivalent display, must meet the following requirements:

(1) While the vision system display is in operation, it must compensate for interference with the pilot's outside view such that the combination of what is visible in the display and what remains visible through and around it, enables the pilot to perform the maneuvers and normal duties as specified in paragraph (a) of this section.

(2) While the vision system display is in operation, it must provide an undistorted view of the external scene. The vision system display must present the imagery, attitude symbology, flight path vector, flight path angle reference cue, and other cues which are referenced to this imagery and external scene topography, so that they are aligned with, and scaled to, the external scene.

(3) The vision system must provide a means to allow the pilot using the display to immediately deactivate and reactivate the vision system imagery, on demand, without removing the pilot's hands from the primary flight controls (yoke or equivalent) or thrust controls.

(4) When the vision system is not in operation it must not restrict the pilot from performing the maneuvers as specified in paragraph (a)(1) of this section and the pilot compartment from meeting the provisions of paragraph (a)(2) of this section.

PART 27—AIRWORTHINESS STANDARDS: NORMAL CATEGORY ROTORCRAFT

■ 7. The authority citation for part 27 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701–44702, 44704.

■ 8. Amend § 27.773 by adding paragraph (c) to read as follows:

§ 27.773 Pilot compartment view.

* * * * *

(c) A vision system with a transparent display surface located in the pilot's outside view, such as a head-up-display, head-mounted display, or other equivalent display, must meet the following requirements:

(1) While the vision system display is in operation, it must compensate for interference with the pilot's outside view such that the combination of what is visible in the display and what remains visible through and around it, provides for the same level of safe operation as specified in paragraphs (a)(1) and (b) of this section.

(2) While the vision system display is in operation, it must provide an undistorted view of the external scene. The vision system display must present the imagery, attitude symbology, flight path vector, flight path angle reference cue, and other cues which are referenced to this imagery and external scene topography, so that they are aligned with, and scaled to, the external scene.

(3) The vision system must provide a means to allow the pilot using the display to immediately deactivate and reactivate the vision system imagery, on demand, without removing the pilot's hands from the primary flight and power controls (cyclic and collective or equivalent).

(4) When the vision system is not in operation it must permit the same level of safe operation as specified in paragraphs (a)(1) and (b) of this section.

PART 29—AIRWORTHINESS STANDARDS: TRANSPORT CATEGORY ROTORCRAFT

■ 9. The authority citation for part 29 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701–44702, 44704.

■ 10. Amend § 29.773 by adding paragraph (c) to read as follows:

§ 29.773 Pilot compartment view.

* * * * *

(c) A vision system with a transparent display surface located in the pilot's outside view, such as a head-up-display, head-mounted display, or other equivalent display, must meet the following requirements:

(1) While the vision system display is in operation, it must compensate for interference with the pilot's outside view such that the combination of what is visible in the display and what remains visible through and around it, provides for the same level of safe operation as specified in paragraph (a) of this section.

(2) While the vision system display is in operation, it must provide an undistorted view of the external scene. The vision system display must present the imagery, attitude symbology, flight path vector, flight path angle reference cue, and other cues which are referenced to this imagery and external scene topography, so that they are aligned with, and scaled to, the external scene.

(3) The vision system must provide a means to allow the pilot using the display to immediately deactivate and reactivate the vision system imagery, on demand, without removing the pilot's hands from the primary flight and power controls (cyclic and collective or equivalent).

(4) When the vision system is not in operation it must permit the same level of safe operation as specified in paragraph (a) of this section.

PART 61—CERTIFICATION: PILOTS, FLIGHT INSTRUCTORS, AND GROUND INSTRUCTORS

■ 11. The authority citation for part 61 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701–44703, 44707, 44709–44711, 45102–45103, 45301–45302.

■ 12. Amend § 61.31 by redesignating paragraph (l) as paragraph (m) and adding a new paragraph (l) to read as follows:

§ 61.31 Type rating requirements, additional training, and authorization requirements.

* * * * *

(l) *Additional training required for EFVS operations.* (1) Except as provided under paragraph (l)(7) of this section, no person may manipulate the controls of an aircraft or act as pilot in command of an aircraft during an EFVS operation as specified in § 91.176(a) or (b) of this chapter, or serve as a required pilot flight crewmember during an EFVS operation as specified in § 91.176(a) of this chapter, unless that person—

(i) Receives and logs ground training from an authorized instructor under a training program approved by the Administrator; and

(ii) Obtains a logbook or other endorsement from an authorized instructor who certifies the person completed the ground training.

(2) The ground training specified in paragraph (a)(1)(i) of this section must include the following subjects:

(i) Applicable portions of this chapter that relate to EFVS flight operations and limitations, including AFM limitations;

(ii) EFVS display, controls, modes, features, symbology, annunciations, and associated systems and components;

(iii) EFVS sensor performance, sensor limitations, scene interpretation, visual anomalies, and other visual effects;

(iv) Preflight planning and operational considerations associated with using EFVS during taxi, takeoff, climb, cruise, descent and landing phases of flight, including the use of EFVS for instrument approaches, operating below DA/DH or MDA, executing missed approaches, landing, rollout, and balked landings;

(v) Weather associated with low visibility conditions and its effect on EFVS performance;

(vi) Normal, abnormal, emergency, and crew coordination procedures when using EFVS; and

(vii) Interpretation of approach and runway lighting systems and their display characteristics when using an EFVS.

(3) Except as provided under paragraph (l)(7) of this section, no person may manipulate the controls of an aircraft or act as pilot in command of an aircraft during an EFVS operation as specified in § 91.176(a) or (b) of this chapter unless that person—

(i) Receives and logs flight training from an authorized instructor who meets the requirements in this paragraph (l) under a training program approved by the Administrator; and

(ii) Obtains a logbook or other endorsement from an authorized instructor who found the person proficient in the use of EFVS for the EFVS operations to be conducted.

(4) The flight training specified in paragraph (l)(3)(i) of this section must include the following tasks—

(i) Preflight and inflight preparation of EFVS equipment for EFVS operations, including EFVS setup and use of display, controls, modes and associated systems, including adjustments for brightness and contrast under day and night conditions;

(ii) Proper piloting techniques associated with using EFVS during taxi, takeoff, climb, cruise, descent, landing, and rollout, to include missed approaches and balked landings;

(iii) Proper piloting techniques for the use of EFVS during instrument approaches, to include operations below DA/DH or MDA as applicable, under both day and night conditions;

(iv) Determining enhanced flight visibility;

(v) Identifying required visual references appropriate to EFVS operations;

(vi) Transitioning from EFVS sensor imagery to natural vision acquisition of required visual references and the runway environment;

(vii) Using EFVS sensor imagery to touchdown and rollout, if EFVS operations as specified in § 91.176(a) of this chapter are to be conducted; and

(viii) Normal, abnormal, emergency, and crew coordination procedures when using an EFVS.

(5) A flight simulator equipped with an EFVS may be used to meet the flight training requirements specified in paragraph (l)(3) of this section. The flight simulator must be a level 'C' simulator with a daylight visual display, or a level 'D' simulator. Each simulator must be qualified for EFVS by the National Simulator Program.

(6) A person qualified to conduct EFVS operations under § 91.176(a) or (b) of this chapter who seeks to conduct additional EFVS operations for which that person has not received training must receive—

(i) The flight training and endorsement specified in paragraph (l)(3) of this section appropriate to the additional EFVS operations to be conducted; or

(ii) A pilot proficiency check on the additional EFVS operations administered by an FAA inspector, designated examiner, a check airman under parts 121, 125, 135, or a program manager check pilot under part 91 subpart K of this chapter.

(7) The requirements under paragraphs (l)(1) and (3) of this section do not apply if a person has satisfactorily completed—

(i) A pilot proficiency check on EFVS operations as specified in § 91.176(a) or (b) of this chapter, as applicable, conducted by:

(A) An FAA Inspector or designated examiner;

(B) A person authorized by the U.S. Armed Forces to administer an EFVS proficiency check provided the person receiving the check was a member of the U.S. Armed Forces at the time the check was administered;

(C) An authorized instructor employed by a Federal, State, county, or municipal agency to administer an EFVS proficiency check provided the person receiving the check was employed by that agency at the time the check was administered; or

(D) A check airman under parts 121, 125, 135, or a program manager check pilot under part 91 subpart K of this chapter; or

(ii) A training program, proficiency check, or other course of instruction applicable to EFVS operations conducted under § 91.176(b) of this chapter that is acceptable to the Administrator before [*DATE TWO YEARS AFTER THE EFFECTIVE DATE OF THE FINAL RULE*].

* * * * *

■ 13. Amend § 61.57 by adding paragraphs (h) and (i) to read as follows:

§ 61.57 Recent flight experience: Pilot in command.

* * * * *

(h) *EFVS operating experience.* (1) A person may manipulate the controls of an aircraft during an EFVS operation or act as pilot in command of an aircraft during an EFVS operation only if, within 6 calendar months preceding the month of the flight, that person performs and logs six instrument approaches under any weather conditions as the sole manipulator of the controls using an EFVS. One approach must terminate in a full stop landing. For persons authorized to exercise the privileges of § 91.176(a), the full stop landing must be conducted using the EFVS.

(2) A flight simulator equipped with an EFVS may be used to meet the EFVS operating experience requirements specified in paragraph (h)(1) of this section. The flight simulator must be a level 'C' simulator with a daylight visual display, or a level 'D' simulator. Each simulator must be qualified by the National Simulator Program for EFVS.

(i) *EFVS proficiency check.* A person who does not meet the EFVS experience requirements of this paragraph (h) must pass an EFVS proficiency check to act as pilot in command in an EFVS operation or to manipulate the controls of an aircraft during an EFVS operation. The proficiency check must be performed in the category of aircraft for which the person is seeking the EFVS privilege or in a flight simulator that is representative of that category of aircraft. The flight simulator must be a level 'C' simulator with a daylight visual display, or a level 'D' simulator. Each simulator must be qualified by the National Simulator Program for EFVS. The check must consist of the tasks listed in § 61.31(l), and the check must be performed by:

(1) An FAA Inspector or designated examiner who is qualified to perform EFVS operations in that same aircraft category;

(2) A person who is authorized by the U.S. Armed Forces to perform EFVS proficiency checks, provided the person being administered the check is also a member of the U.S. Armed Forces;

(3) A company check pilot who is authorized to perform EFVS proficiency checks under parts 121, 125, or 135, or subpart K of part 91 of this chapter, provided that both the check pilot and the pilot being tested are employees of that operator or fractional ownership program manager, as applicable;

(4) An authorized instructor who meets the additional training requirements for EFVS operations specified in § 61.31(l) of this chapter, and if conducting a proficiency check in an aircraft, meets the recent flight experience specified in paragraph (h) of this section or this paragraph (i); or

(5) A person approved by the FAA to perform EFVS proficiency checks.

PART 91—GENERAL OPERATING AND FLIGHT RULES

■ 14. The authority citation for part 91 continues to read as follows:

Authority: 49 U.S.C. 106(g), 1155, 40103, 40113, 40120, 44101, 44111, 44701, 44704, 44709, 44711, 44712, 44715, 44716, 44717, 44722, 46306, 46315, 46316, 46504, 46506–46507, 47122, 47508, 47528–47531, articles 12 and 29 of the Convention on International Civil Aviation (61 Stat. 1180).

■ 15. Amend § 91.175 by revising paragraphs (c) introductory text, (c)(3)(vi), (d)(1), and (e)(1), and removing paragraphs (l) and (m).

The revisions read as follows:

§ 91.175 Takeoff and landing under IFR.

* * * * *

(c) *Operation below DA/DH or MDA.* Except as provided in § 91.176 of this chapter, where a DA/DH or MDA is applicable, no pilot may operate an aircraft, except a military aircraft of the United States, below the authorized MDA or continue an approach below the authorized DA/DH unless—

* * * * *

(3) * * *

(vi) The visual glideslope indicator.

* * * * *

(d) * * *

(1) For operations conducted under § 91.176 of this chapter, the requirements of paragraphs (a)(3)(iii) or (b)(3)(iii), as applicable, of that section are not met; or

* * * * *

(e) * * *

(1) Whenever operating an aircraft pursuant to paragraph (c) of this section or § 91.176 of this chapter, the requirements of that paragraph are not met at either of the following times:

* * * * *

■ 16. Add § 91.176 to read as follows:

§ 91.176 Operation below DA/DH or MDA using an enhanced flight vision system (EFVS) under IFR.

(a) *EFVS operations to touchdown and rollout.* No person may conduct an EFVS operation in an aircraft, except a military aircraft of the United States, at any airport below the authorized DA/DH to touchdown and rollout using a straight-in, precision instrument approach procedure or an approach procedure with approved vertical guidance unless the following requirements are met:

(1) *Equipment.* (i) The aircraft is equipped with an operable EFVS that has either an FAA type design approval certified for EFVS operations to touchdown and rollout, or for a foreign-registered aircraft that does not have an FAA-type design approval, an EFVS that otherwise meets the requirements of this chapter for those operations. The EFVS must:

(A) Have an electronic means to provide a display of the forward external scene topography (the applicable natural or manmade features of a place or region especially in a way to show their relative positions and elevation) through the use of imaging sensors, such as forward-looking infrared, millimeter wave radiometry, millimeter wave radar, or low-light level image intensification.

(B) Present EFVS sensor imagery and aircraft flight symbology on a head-up display, or an equivalent display, so that the imagery and symbology is clearly visible to the pilot flying in his or her normal position with the line of vision looking forward along the flight path. Aircraft flight symbology must consist of at least airspeed, vertical speed, aircraft attitude, heading, altitude, height above ground level such as that provided by a radio altimeter or other device capable of providing equivalent performance, command guidance, as appropriate, for the approach to be flown, path deviation indications, flight path vector, and flight path angle reference cue. Additionally, the EFVS must display flare prompt or flare guidance, as appropriate, for achieving acceptable touchdown performance.

(C) Present the displayed EFVS sensor imagery, attitude symbology, flight path vector, and flight path angle reference cue, and other cues, which are referenced to the EFVS sensor imagery and external scene topography, so that they are aligned with, and scaled to, the external view.

(D) Display the flight path angle reference cue with a pitch scale that is selectable by the pilot to the desired descent angle for the approach and suitable for monitoring the vertical flight path of the aircraft.

(E) Display the EFVS sensor imagery and aircraft flight symbology such that they do not adversely obscure the pilot's outside view or field of view through the cockpit window.

(F) Have display characteristics, dynamics, and cues that are suitable for manual control of the aircraft to touchdown in the touchdown zone of the runway of intended landing and during rollout.

(ii) When a minimum flightcrew of more than one pilot is required, the aircraft must be equipped with a display that provides the pilot monitoring with EFVS sensor imagery. The display must be located within the maximum primary field of view of the pilot monitoring and any symbology displayed must not adversely obscure the sensor imagery of the runway environment. Based upon the EFVS operation to be performed, the Administrator may require the display of the EFVS sensor imagery and aircraft flight symbology to be provided to the pilot monitoring on a head-up display, or other equivalent display appropriate to the operation to be conducted.

(2) *Operations.* (i) Each required pilot flight crewmember has adequate knowledge of, and familiarity with, the aircraft, the EFVS, and the procedures to be used.

(ii) The aircraft is equipped with, and the pilot flying uses, an operable EFVS that meets the equipment requirements specified in paragraph (a)(1) of this section.

(iii) When a minimum flightcrew of more than one pilot is required, the pilot monitoring must use the display specified in paragraph (a)(1)(ii) of this section to monitor and assess the safe conduct of the approach, landing, and rollout.

(iv) The aircraft is continuously in a position from which a descent to a landing on the intended runway can be made at a normal rate of descent using normal maneuvers.

(v) The descent rate will allow touchdown to occur within the touchdown zone of the runway of intended landing.

(vi) Each required pilot flight crewmember meets—

(A) The applicable training, recent flight experience, and proficiency requirements of part 61 of this chapter, and for a part 119 or 125 certificate holder, the applicable training, testing and qualification provisions of parts 121, 125, and 135 of this chapter; or

(B) For a foreign person, the requirements of the civil aviation authority of the State of the operator.

(vii) For a person conducting operations under part 91, other than those conducted under subpart K, the operation is conducted in accordance with a Letter of Authorization authorizing the use of EFVS.

(viii) For a person conducting operations under part 91, subpart K, the operation is conducted in accordance with Management Specifications authorizing the use of EFVS.

(ix) For a person conducting operations under part 121, 129, or 135 of this chapter, the operation is conducted in accordance with operations specifications authorizing the use of EFVS.

(x) For a person conducting operations under part 125 of this chapter, the operation is conducted in accordance with operations specifications authorizing the use of

EFVS or the operator holds a Letter of Authorization for the use of EFVS.

(3) *Visibility and Visual Reference Requirements.* No pilot operating under this section or §§ 121.651, 125.381, and 135.225 of this chapter may operate an aircraft at any airport below the authorized DA/DH and land unless:

(i) The pilot determines that the enhanced flight visibility observed by use of a certified EFVS is not less than the visibility prescribed in the instrument approach procedure being used.

(ii) From the authorized DA/DH to 100 feet above the touchdown zone elevation of the runway of intended landing, the approach light system (if installed) or both the runway threshold and the touchdown zone are distinctly visible and identifiable to the pilot using an EFVS.

(A) The runway threshold must be identified using at least one of the following visual references—

(*1*) The beginning of the runway landing surface;

(*2*) The threshold lights; or

(*3*) The runway end identifier lights.

(B) The touchdown zone must be identified using at least one of the following visual references—

(*1*) The runway touchdown zone landing surface;

(*2*) The touchdown zone lights;

(*3*) The touchdown zone markings; or

(*4*) The runway lights.

(iii) At 100 feet above the touchdown zone elevation of the runway of intended landing and below that altitude, one of the following visual references are distinctly visible and identifiable to the pilot using an EFVS—

(A) The runway threshold;

(B) The lights or markings of the threshold;

(C) The runway touchdown zone landing surface; or

(D) The lights or markings of the touchdown zone.

(b) *EFVS operations to 100 feet above the touchdown zone elevation.* No person may conduct an EFVS operation in an aircraft, except a military aircraft of the United States, at any airport below the authorized DA/DH or MDA to 100 feet above the touchdown zone elevation using a straight-in, instrument approach procedure unless the following requirements are met:

(1) *Equipment.* The aircraft is equipped with an operable EFVS that—

(i) Meets the requirements of paragraph (a)(1)(i) of this section;

(ii) Has an FAA-type design approval for EFVS operations to 100 feet above touchdown zone elevation and meets the requirements of paragraph (a)(1)(i) of this section but need not present flare prompt, flare guidance, or height above ground level; or

(iii) For a foreign-registered aircraft that does not have an FAA-type design approval, an EFVS that otherwise meets the requirements of this chapter for those operations.

(2) *Operations.* (i) Each required pilot flight crewmember has adequate knowledge of, and familiarity with, the aircraft, the EFVS, and the procedures to be used.

(ii) The aircraft is equipped with, and the pilot flying uses, an operable EFVS that meets the equipment requirements specified in paragraph (b)(1) of this section.

(iii) The aircraft is continuously in a position from which a descent to a landing on the intended runway can be made at a normal rate of descent using normal maneuvers.

(iv) For operations conducted under part 121 or part 135 of this chapter, the descent rate will allow touchdown to occur within the touchdown zone of the runway of intended landing.

(v) Each required pilot flight crewmember meets—

(A) The applicable training, recent flight experience and proficiency requirements of part 61 of this chapter, and for a part 119 or 125 certificate holder, the applicable training, testing, and qualification provisions of parts 121, 125, and 135 of this chapter; or

(B) For a foreign person, the requirements of the civil aviation authority of the State of the operator.

(vi) For a person conducting operations under part 91, subpart K, the operation is conducted in accordance with Management Specifications authorizing the use of EFVS.

(vii) For a person conducting operations under part 121, 129, or 135 of this chapter, the operation is conducted in accordance with operations specifications authorizing the use of EFVS.

(viii) For a person conducting operations under part 125 of this chapter, the operation is conducted in accordance with operations specifications authorizing the use of EFVS or a Letter of Authorization for the use of EFVS.

(3) *Visibility and Visual Reference Requirements.* No pilot operating under this section or §§ 121.651, 125.381, and 135.225 of this chapter may operate an aircraft at any airport below the authorized MDA or continue an approach below the authorized DA/DH and land unless:

(i) From the authorized MDA or DA/DH to 100 feet above the touchdown zone elevation of the runway of intended landing, the pilot determines that the enhanced flight visibility observed by use of a certified enhanced flight vision system is not less than the visibility prescribed in the instrument approach procedure being used.

(ii) From the authorized MDA or DA/DH to 100 feet above the touchdown zone elevation of the runway of intended landing, the approach light system (if installed) or both the runway threshold and the touchdown zone are distinctly visible and identifiable to the pilot using an EFVS.

(A) The runway threshold must be identified using at least one of the following visual references—

(*1*) The beginning of the runway landing surface;

(*2*) The threshold lights; or

(*3*) The runway end identifier lights.

(B) The touchdown zone must be identified using at least one of the following visual references—

(*1*) The runway touchdown zone landing surface;

(*2*) The touchdown zone lights;

(*3*) The touchdown zone markings; or

(*4*) The runway lights.

(iii) At 100 feet above the touchdown zone elevation of the runway of intended landing and below that altitude, the flight visibility must be sufficient for one of the following visual references to be distinctly visible and identifiable to the pilot without reliance on the EFVS to continue to a landing—

(A) The runway threshold;

(B) The lights or markings of the threshold;

(C) The runway touchdown zone landing surface; or

(D) The lights or markings of the touchdown zone.

■ 17. Amend § 91.189 by revising paragraphs (d) introductory text and (e) to read as follows:

§ 91.189 Category II and III operations: General operating rules.

* * * * *

(d) Except as provided in § 91.176 of this part or unless otherwise authorized by the Administrator, no pilot operating an aircraft in a Category II or Category III approach that provides and requires the use of a DA/DH may continue the approach below the authorized decision height unless the following conditions are met:

* * * * *

(e) Except as provided in § 91.176 of this part or unless otherwise authorized by the Administrator, each pilot operating an aircraft shall immediately execute an appropriate missed approach whenever, prior to touchdown, the requirements of paragraph (d) of this section are not met.

* * * * *

■ 18. Amend § 91.905 by adding an entry for § 91.176 in numerical order to read as follows:

§ 91.905 List of rules subject to waivers.

* * * * *

91.176 Operation below DA/DH or MDA using an enhanced flight vision system (EFVS) under IFR.

* * * * *

PART 121—OPERATING REQUIREMENTS: DOMESTIC, FLAG, AND SUPPLEMENTAL OPERATIONS

■ 19. The authority citation for part 121 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 40119, 41706, 44101, 44701–44702, 44705, 44709–44711, 44713, 44716–44717, 44722, 46105.

■ 20. Revise § 121.613 to read as follows:

§ 121.613 Dispatch or flight release under IFR or over-the-top.

No person may dispatch or release an aircraft for operations under IFR or over-the-top, unless appropriate weather reports or forecasts, or any combination thereof, indicate that the weather conditions will be at or above the authorized minimums at the estimated time of arrival at the airport or airports to which dispatched or released except—

(a) As provided in § 121.615; or

(b) In accordance with the certificate holder's operations specifications for EFVS operations.

■ 21. Amend § 121.615 by revising paragraph (a) to read as follows:

§ 121.615 Dispatch or flight release over water: Flag and supplemental operations.

(a) Except as provided in the certificate holder's operations specifications for EFVS operations, no person may dispatch or release an aircraft for a flight that involves extended overwater operation, unless appropriate weather reports or forecasts, or any combination thereof, indicate that the weather conditions will be at or above the authorized minimums at the estimated time of arrival at any airport to which dispatched or released, or to any required alternate airport.

* * * * *

■ 22. Amend § 121.651 by revising paragraphs (b) introductory text, (c) introductory text, (d) introductory text, redesignating paragraphs (e) and (f) as paragraphs (f) and (g), and adding new paragraph (e) to read as follows:

§ 121.651: Takeoff and landing weather minimums: IFR: All certificate holders.

* * * * *

(b) Except as provided in paragraphs (d) and (e) of this section, no pilot may continue an approach past the final approach fix, or where a final approach fix is not used, begin the final approach segment of an instrument approach procedure—

* * * * *

(c) Except as provided in paragraph (e) of this section, a pilot who has begun the final approach segment of an instrument approach procedure in accordance with paragraph (b) of this section and, after that, receives a later weather report indicating below-minimum conditions, may continue the approach to DA/DH or MDA. Upon reaching DA/DH or at MDA, and at any time before the missed approach point, the pilot may continue the approach below DA/DH or MDA if the following requirements are met—

* * * * *

(d) Except as provided in paragraph (e) of this section, a pilot may begin the final approach segment of an instrument approach procedure, other than a Category II or Category III procedure at an airport when the visibility is less than the visibility minimums prescribed for that procedure if the airport is served by an operative ILS and an operative PAR, and both are used by the pilot. However, no pilot may continue an approach below the authorized DA/DH unless the following requirements are met:

* * * * *

(e) A pilot may begin the final approach segment of an instrument approach procedure, or continue that approach procedure, at an airport when the visibility is reported to be less than the visibility minimums prescribed for that procedure if the aircraft is equipped with, and a pilot uses, an operable EFVS in accordance with § 91.176 of this chapter and the certificate holder's operations specifications for EFVS operations.

* * * * *

PART 125—CERTIFICATION AND OPERATIONS: AIRPLANES HAVING A SEATING CAPACITY OF 20 OR MORE PASSENGERS OR A MAXIMUM PAYLOAD CAPACITY OF 6,000 POUNDS OR MORE; AND RULES GOVERNING PERSONS ON BOARD SUCH AIRCRAFT

■ 23. The authority citation for part 125 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701–44702, 44705, 44710–44711, 44713, 44716–44717, 44722.

■ 24. Revise § 125.325 to read as follows:

§ 125.325 Instrument approach procedures and IFR landing minimums.

Except as specified in § 91.176 of this chapter, no person may make an instrument approach at an airport except in accordance with IFR weather minimums and unless the type of instrument approach procedure to be used is listed in the certificate holder's operations specifications.

■ 25. Revise § 125.361 to read as follows:

§ 125.361 Flight release under IFR or over-the-top.

No person may release an airplane for operations under IFR or over-the-top, unless appropriate weather reports or forecasts, or any combination thereof, indicate that the weather conditions will be at or above the authorized minimums at the estimated time of arrival at the airport or airports to which released except—

(a) As provided in § 125.363; or

(b) In accordance with the certificate holder's operations specifications for EFVS operations.

■ 26. Amend § 125.363 by revising paragraph (a) to read as follows:

§ 125.363 Flight release over water.

(a) Except as provided in the certificate holder's operations specifications for EFVS operations, no person may release an airplane for a flight that involves extended overwater operation, unless appropriate weather reports or forecasts, or any combination thereof, indicate that the weather conditions will be at or above the authorized minimums at the estimated time of arrival at any airport to which released, or to any required alternate airport.

* * * * *

■ 27. Amend § 125.381 by revising paragraphs (a)(2), (b), and (c) introductory text, and adding paragraph (d) to read as follows:

§ 125.381 Takeoff and landing weather minimums: IFR.

(a) * * *

(2) Except as provided in paragraphs (c) and (d) of this section, land an airplane under IFR.

(b) Except as provided in paragraphs (c) and (d) of this section, no pilot may execute an instrument approach procedure if the latest reported visibility is less than the landing minimums specified in the certificate holder's operations specifications.

(c) Except as provided in paragraph (d) of this section, a pilot who initiates an instrument approach procedure based on a weather report that indicates that the specified visibility minimums

exist and subsequently receives another weather report that indicates that conditions are below the minimum requirements, may continue the approach if the following conditions are met—

* * * * *

(d) A pilot may execute an instrument approach procedure, or continue the approach, at an airport when the visibility is reported to be less than the visibility minimums prescribed for that procedure if the aircraft is equipped with, and a pilot uses, an operable EFVS in accordance with § 91.176 of this chapter, and the certificate holder's operations specifications for EFVS operations.

PART 135—OPERATING REQUIREMENTS: COMMUTER AND ON DEMAND OPERATIONS AND RULES GOVERNING PERSONS ON BOARD SUCH AIRCRAFT

■ 28. The authority citation for part 135 continues to read as follows:

Authority: 49 U.S.C. 106(g), 41706, 40113, 44701–44702, 44705, 44709, 44711–44713, 44715–44717, 44722, 45101–45105.

■ 29. Revise § 135.219 to read as follows;

§ 135.219 IFR: Destination airport weather minimums.

Except as provided in the certificate holder's operations specifications for EFVS operations, no person may take off an aircraft under IFR or begin an IFR or over-the-top operation unless the latest weather reports or forecasts, or any combination of them, indicate that weather conditions at the estimated time of arrival at the next airport of intended landing will be at or above authorized IFR landing minimums.

■ 30. Amend § 135.225 by:

a. Revising paragraphs (a) introductory text and (c) introductory text;

b. Amending paragraph (d) introductory text by removing the word ''If'' and adding in its place the words ''Except as provided in paragraph (j) of this section, if''; and

c. Adding paragraph (j).

The revisions and addition read as follows:

§ 135.225 IFR: Takeoff, approach and landing minimums.

(a) Except to the extent permitted by paragraphs (b) and (j) of this section, no pilot may begin an instrument approach procedure to an airport unless—

* * * * *

(c) Except as provided in paragraph (j) of this section, a pilot who has begun the final approach segment of an instrument approach to an airport under paragraph (b) of this section, and receives a later weather report indicating that conditions have worsened to below the minimum requirements, may continue the approach if the following conditions, are met—

* * * * *

(j) A pilot may begin an instrument approach procedure, or continue the approach, at an airport when the visibility is reported to be less than the visibility minimums prescribed for that procedure if the aircraft is equipped with, and a pilot uses, an operable EFVS in accordance with § 91.176 of this chapter, and the certificate holder's operations specifications for EFVS operations.

Issued under authority provided by 49 U.S.C. 40103 and 44701(a)(5) in Washington, DC, on May 30, 2013.

Margaret Gilligan,

Associate Administrator for Aviation Safety, AVS–1.

[FR Doc. 2013–13454 Filed 6–10–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2013–0500; Directorate Identifier 2012–SW–45–AD]

RIN 2120–AA64

Airworthiness Directives; Bell Helicopter Textron, Inc. (Bell), Model Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes to supersede an existing airworthiness directive (AD) for the Bell Model 412, 412CF, and 412EP helicopters. The AD currently requires reidentifying each affected part-numbered main rotor yoke (yoke) on its data plate, reducing the retirement life of the reidentified yoke, and revising the Airworthiness Limitations section of the maintenance manual or the Instructions for Continued Airworthiness (ICAs) accordingly. Since we issued the AD, we have discovered that the affected yokes do not have a data plate, making compliance with the part-marking requirements of the existing AD impossible. This proposed AD would retain the current requirements with the exception of the P/N marking location. The actions specified in this AD are intended to prevent fatigue cracking of a yoke, failure of the yoke, and subsequent loss of control of the helicopter.

DATES: We must receive comments on this proposed AD by August 12, 2013.

ADDRESSES: You may send comments by any of the following methods:

- *Federal eRulemaking Docket:* Go to *http://www.regulations.gov.* Follow the online instructions for sending your comments electronically.
- *Fax:* 202–493–2251.
- *Mail:* Send comments to the U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001.
- *Hand Delivery:* Deliver to the ''Mail'' address between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* or in person at the Docket Operations Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the economic evaluation, any comments received and other information. The street address for the Docket Operations Office (telephone 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

For service information identified in this proposed AD, contact Bell Helicopter Textron, Inc., P.O. Box 482, Fort Worth, TX 76101; telephone (817) 280–3391; fax (817) 280–6466; or at *http://www.bellcustomer.com/files/.* You may review service information at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137.

FOR FURTHER INFORMATION CONTACT: Michael Kohner, ASW–170, Aviation Safety Engineer, Rotorcraft Directorate, Rotorcraft Certification Office, 2601 Meacham Blvd., Fort Worth, Texas 76137, telephone (817) 222–5170, fax (817) 222–5783, email *7-avs-asw-170@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to participate in this rulemaking by submitting written comments, data, or views. We also invite comments relating to the economic, environmental, energy, or

federalism impacts that might result from adopting the proposals in this document. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. To ensure the docket does not contain duplicate comments, commenters should send only one copy of written comments, or if comments are filed electronically, commenters should submit only one time.

We will file in the docket all comments that we receive, as well as a report summarizing each substantive public contact with FAA personnel concerning this proposed rulemaking. Before acting on this proposal, we will consider all comments we receive on or before the closing date for comments. We will consider comments filed after the comment period has closed if it is possible to do so without incurring expense or delay. We may change this proposal in light of the comments we receive.

Discussion

On February 12, 2009, we issued AD 2009–05–09, Amendment 39–15833 (74 FR 11001, March 16, 2009), for Bell Model 412, 412CF, and 412EP helicopters. The AD requires reidentifying each affected part-numbered yoke based on whether it was ever installed on a Model 412CF helicopter or on a Model 412 or 412EP helicopter with a slope landing kit. The AD also requires reducing the retirement life of each reidentified yoke from 5,000 hours time-in-service (TIS) to 4,500 hours TIS and revising the Airworthiness Limitations section of the maintenance manual or ICAs accordingly. Finally, the AD requires recording each reidentified yoke P/N and the reduced retirement life on the component history card or equivalent record. The AD was prompted by a fatigue analysis that shows that the retirement life should be reduced on certain yokes. Those actions are intended to prevent fatigue cracking of a yoke, failure of the yoke, and subsequent loss of control of the helicopter.

Actions Since Existing AD Was Issued

Since we issued AD 2009–05–09 (74 FR 11001, March 16, 2009), we have discovered that the affected yokes do not have a data plate, making compliance with the part-marking requirements of the existing AD impossible. Bell determined the new P/N should be etched on the side of the yoke rather than on the data plate and issued Revision A to Alert Service Bulletin (ASB) No. 412–08–128 for the Bell Model 412 and 412EP helicopters (ASB 412–08–128A) and ASB No. 412CF–08–35 for the Bell Model 412CF helicopters (ASB 412CF–08–35A), both dated April 14, 2009. Bell also determined the etched surface on the side of the yoke would need to be treated with a chemical film and refinished after reidentifying the P/N to protect the yoke from corrosion.

FAA's Determination

We are proposing this AD because we evaluated all the relevant information and determined the unsafe condition described previously is likely to exist or develop in other helicopters of these same type designs.

Related Service Information

ASB 412–08–128A and ASB 412CF–08–35A contain procedures for reidentifying the yoke by using a vibrating stylus to etch a new P/N on the side of the yoke. These ASBs also specify recording the new P/N on the component history card and reducing the retirement life of the yoke.

Proposed AD Requirements

This proposed AD would retain the current requirements of AD 2009–05–09 (74 FR 11001, March 16, 2009), with the exception of the P/N marking location. This proposed AD would require that the new P/N be etched on the side of the yoke instead of on the data plate as required by AD 2009–05–09. This action would also require treating the etched surface on the side of yoke with a chemical film and refinishing the yoke after reidentifying the P/N.

Costs of Compliance

We estimate that this proposed AD would affect 115 helicopters of U.S. Registry. We estimate that operators may incur the following costs in order to comply with this AD. It would take about 3 work hours to review and revise the records to reflect the new retirement life and reidentify the P/N at an average labor rate of $85 per work hour. Based on these estimates, the cost would be $255 per helicopter and $29,325 for the U.S. operator fleet. Replacing a yoke would take about 20 work hours and $50,196 for the required parts for a cost of $51,896 per helicopter.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. ''Subtitle VII: Aviation Programs,'' describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in ''Subtitle VII, Part A, Subpart III, Section 44701: General requirements.'' Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

We determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed, I certify this proposed regulation:

1. Is not a ''significant regulatory action'' under Executive Order 12866;

2. Is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979);

3. Will not affect intrastate aviation in Alaska to the extent that it justifies making a regulatory distinction; and

4. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

We prepared an economic evaluation of the estimated costs to comply with this proposed AD and placed it in the AD docket.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA proposes to amend 14 CFR Part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

■ 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing airworthiness directive (AD) 2009–05–09, Amendment 39–15833 (74

FR 11001, March 16, 2009), and adding the following new AD:

Bell Helicopter Textron, Inc.: Docket No. FAA–2013–0500; Directorate Identifier 2012–SW–45–AD.

(a) Applicability

This AD applies to Model 412 and 412EP helicopters with a main rotor yoke assembly (yoke), part number (P/N) 412–010–101–123, –127, –129, or –133, installed; and Model 412CF helicopters with a yoke, P/N 412–010–101–127 or –129, installed; certificated in any category.

(b) Unsafe Condition

This AD defines the unsafe condition as fatigue cracking of a yoke, failure of the yoke, and subsequent loss of control of the helicopter.

(c) Affected ADs

This AD supersedes AD 2009–05–09, Amendment 39–15833 (74 FR 11001, March 16, 2009).

(d) Compliance

You are responsible for performing each action required by this AD within the specified compliance time, unless it has been accomplished previously.

(e) Required Actions

Within 10 hours time-in-service (TIS):

(1) Review the helicopter records to determine all of the helicopter models on which an affected yoke has been installed since its production and the hours TIS of each affected yoke.

(2) If an affected part-numbered yoke is installed or has ever been installed on a Model 412CF helicopter or on a Model 412 or 412EP helicopter with a (BHT–412–SI–62) slope landing kit, P/N 412–704–012–101, installed, do the following:

(i) Reidentify the P/N on the side of the yoke by using a vibrating stylus and etching two lines through the last three digits of the existing P/N and etching ''137FM'' adjacent to where you etched through the last three digits of the original P/N. This converts each affected yoke P/N to a new yoke P/N 412–010–101–137FM. The serial number remains the same.

Note 1 to paragraph (e)(2)(i) of this AD: The ''FM'' P/N suffix denotes a field-modified part.

(ii) Treat the etched surface with chemical film, and apply primer and paint.

(iii) Record the reidentified P/N on the applicable component history card or equivalent record.

(3) If you cannot determine all the model helicopters on which an affected yoke has been installed since its production or whether it has ever been installed on a Model 412 or 412EP helicopter with a (BHT–412–SI–62) slope landing kit, P/N 412–704–012–101, installed, perform the actions required by paragraphs (e)(2)(i) through (e)(2)(iii) of this AD.

(4) For each reidentified yoke, P/N 412–010–101–137FM, reduce the retirement life from 5,000 hours TIS to 4,500 hours TIS. Record the revised life limit on the applicable component history card or equivalent record.

(5) Revise the Airworthiness Limitations section of the applicable maintenance manual or the Instructions for Continued Airworthiness by reducing the retirement life from 5,000 hours TIS to 4,500 hours TIS for each reidentified yoke, P/N 412–010–101–137FM.

(f) Special Flight Permit

Special flight permits will not be issued.

(g) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Rotorcraft Certification Office, FAA, may approve AMOCs for this AD. Send your proposal to: Michael Kohner, ASW–170, Aviation Safety Engineer, 2601 Meacham Blvd., Fort Worth, Texas 76137; telephone (817) 222–5170, fax (817) 222–5783; email *7-avs-asw-170@faa.gov.*

(2) For operations conducted under 14 CFR Part 119 operating certificate or under 14 CFR Part 91, subpart K, we suggest that you notify your principal inspector, or lacking a principal inspector, the manager of the local flight standards district office or certificate holding district office before operating any aircraft complying with this AD through an AMOC.

(h) Additional Information

Bell Helicopter Textron, Inc. Alert Service Bulletins No. 412–08–128 and No. 412CF–08–35, both Revision A and both dated April 14, 2009, which are not incorporated by reference, contain additional information about the subject of this AD. For service information identified in this AD, contact Bell Helicopter Textron, Inc., P.O. Box 482, Fort Worth, TX 76101; telephone (817) 280–3391; fax (817) 280–6466; or at *http://www.bellcustomer.com/files/.* You may review service information at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137.

(i) Subject

Joint Aircraft System/Component (JASC) Code: 6220 Main Rotor Head.

Issued in Fort Worth, Texas, on June 3, 2013.

Kim Smith,

Directorate Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 2013–13797 Filed 6–10–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2013–0501; Directorate Identifier 2011–SW–036–AD]

RIN 2120–AA64

Airworthiness Directives; Eurocopter France Model Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for Eurocopter France (Eurocopter) Model EC 155B and EC155B1 helicopters. This proposed AD would require repetitively inspecting the lower and upper front and rear fittings (fittings) that attach the upper fin to the fenestron for a crack. If there is a crack, this AD would require removing all four fittings from service. This proposed AD would also require, within a specified time, removing all fittings from service, and the fittings would not be eligible to be installed on any helicopter. This AD is prompted by the loss of an upper fin in flight. The proposed actions are intended to detect a crack in the fittings to prevent loss of the upper fin and subsequent loss of control of the helicopter.

DATES: We must receive comments on this proposed AD by August 12, 2013.

ADDRESSES: You may send comments by any of the following methods:

- *Federal eRulemaking Docket:* Go to *http://www.regulations.gov.* Follow the online instructions for sending your comments electronically.
- *Fax:* 202–493–2251.
- *Mail:* Send comments to the U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001.
- *Hand Delivery:* Deliver to the ''Mail'' address between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* or in person at the Docket Operations Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the economic evaluation, any comments received, and other information. The street address for the Docket Operations

Office (telephone 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

For service information identified in this proposed AD, contact American Eurocopter Corporation, 2701 N. Forum Drive, Grand Prairie, TX 75052; telephone (972) 641–0000 or (800) 232–0323; fax (972) 641–3775; or at *http://www.eurocopter.com/techpub.* You may review the referenced service information at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137.

FOR FURTHER INFORMATION CONTACT: Robert Grant, Aviation Safety Engineer, Safety Management Group, FAA, 2601 Meacham Blvd., Fort Worth, Texas 76137; telephone 817–222–5110; email *robert.grant@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to participate in this rulemaking by submitting written comments, data, or views. We also invite comments relating to the economic, environmental, energy, or federalism impacts that might result from adopting the proposals in this document. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. To ensure the docket does not contain duplicate comments, commenters should send only one copy of written comments, or if comments are filed electronically, commenters should submit only one time.

We will file in the docket all comments that we receive, as well as a report summarizing each substantive public contact with FAA personnel concerning this proposed rulemaking. Before acting on this proposal, we will consider all comments we receive on or before the closing date for comments. We will consider comments filed after the comment period has closed if it is possible to do so without incurring expense or delay. We may change this proposal in light of the comments we receive.

Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA AD No. 2011–0108, dated June 7, 2011, to correct an unsafe condition for Eurocopter Model EC 155B and EC155B1 helicopters. EASA advises of an in-flight loss of a fin on a Model EC155B1 helicopter. According to EASA, a crack in the fittings attaching the upper fin to the fenestron (tail rotor assembly) was discovered during an investigation. As a result, EASA issued an emergency AD to mandate repetitive inspections of the upper fin attachment fittings. EASA states that Eurocopter has now developed modification (MOD) 0754B40 to increase the strength of the fuselage-fin junction fittings by installing two reinforced single-piece fittings to replace the affected fittings, which is terminating action for the repetitive inspection requirements. EASA subsequently issued AD No. 2011–0108, which superseded its emergency AD, to require installation of MOD 0754B40 and to retain the repetitive inspection requirements until the MOD is installed.

FAA's Determination

These helicopters have been approved by the aviation authority of France and are approved for operation in the United States. Pursuant to our bilateral agreement with France, EASA, its technical representative, has notified us of the unsafe condition described in its AD. We are proposing this AD because we evaluated all known relevant information and determined that an unsafe condition is likely to exist or develop on other products of the same type design.

Related Service Information

Eurocopter has issued Emergency Alert Service Bulletin No. 05A017, Revision 2, dated December 9, 2010, which specifies repetitively inspecting the fittings for a crack and replacing each fitting if there is a crack. Eurocopter has also issued Service Bulletin No. 53–029, Revision 1, dated March 10, 2011, which specifies replacing the fittings with reinforced fittings in accordance with MOD 0754B40.

Proposed AD Requirements

This proposed AD would require repetitively inspecting certain part-numbered fittings for a crack, and if there is a crack, removing the fittings from service before further flight. Also, within 180 hours time-in-service (TIS), this AD proposes removing certain part-numbered fittings from service. Replacing the fittings with airworthy fittings not listed in the applicability paragraph of this proposed AD would be terminating action for the requirements of this AD. The affected fittings would not eligible to be installed on any helicopter.

Differences Between This Proposed AD and the EASA AD

This AD would not require replacing the upper fin to fenestron fittings with reinforced fittings in accordance with MOD 0754B40 within 6 calendar months as stated in the EASA AD but rather would require removing the affected fittings from service within the equivalent 180 hours TIS.

Costs of Compliance

We estimate that this proposed AD would affect 9 helicopters of U.S. Registry. We estimate that operators would incur the following costs in order to comply with this AD, based on an average labor rate of $85 per work hour. It would take 1 work hour to inspect the fittings and about 3 inspections would occur before replacement. It would take 8 work hours to replace the fittings and required parts would cost $3,311. Based on these figures, the total cost would be $4,246 per helicopter and $38,214 for the U.S. fleet.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. ''Subtitle VII: Aviation Programs,'' describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in ''Subtitle VII, Part A, Subpart III, Section 44701: General requirements.'' Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

We determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed, I certify this proposed regulation:

1. Is not a ''significant regulatory action'' under Executive Order 12866;

2. Is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979);

3. Will not affect intrastate aviation in Alaska to the extent that it justifies making a regulatory distinction; and

4. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

We prepared an economic evaluation of the estimated costs to comply with this proposed AD and placed it in the AD docket.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA proposes to amend 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

■ 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by adding the following new airworthiness directive (AD):

Eurocopter France: Docket No. FAA–2013–0501; Directorate Identifier 2011–SW–036–AD.

(a) Applicability

This AD applies to Model EC 155B and EC155B1 helicopters with lower front fitting part number (P/N) 365A23–4240–01, upper front fitting P/N 365A23–4242–01, lower rear fitting P/N 365A23–4241–01, or upper rear fitting P/N 365A23–4243–01 (fittings) installed, certificated in any category.

(b) Unsafe Condition

This AD defines the unsafe condition as a crack in a fitting. This condition could result in loss of the upper fin during flight and subsequent loss of control of the helicopter.

(c) Compliance

You are responsible for performing each action required by this AD within the specified compliance time.

(d) Required Actions

(1) Within 15 hours time-in-service (TIS) and thereafter at intervals not to exceed 55 hours TIS:

(i) Using an appropriate light source and a 10x or higher power magnifying glass, inspect each front (c) and rear (d) upper fitting and each front (e) and rear (f) lower fitting for a crack as depicted in Figure 1 of Eurocopter Emergency Alert Service Bulletin No. 05A017, Revision 2, dated December 9, 2010 (ASB). Inspect the hatched area as depicted in Details B, C, and D of Figure 2 of the ASB. A high-resolution (more than 2 million pixels) digital camera or dye-penetrant inspection may be used to facilitate the crack inspection.

(ii) If there is a crack in any fitting, before further flight, remove all four fittings from service.

(2) Within 180 hours TIS, remove the fittings from service.

(3) Do not install lower front fitting P/N 365A23–4240–01, upper front fitting P/N 365A23–4242–01, lower rear fitting P/N 365A23–4241–01, and upper rear fitting P/N 365A23–4243–01 on any helicopter.

(e) Credit for Actions Previously Completed

Inspections accomplished before the effective date of this AD in accordance with the procedures specified in Eurocopter Emergency Alert Service Bulletin No. 05A017, Revision 2, dated December 9, 2010; Revision 1, dated January 27, 2010; and Revision 0, dated September 28, 2007, are considered acceptable for compliance with the inspection specified in paragraph (d)(1) of this AD.

(f) Special flight permits

Special flight permits will not be issued.

(g) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Safety Management Group, FAA, may approve AMOCs for this AD. Send your proposal to: Robert Grant, Aviation Safety Engineer, Safety Management Group, FAA, 2601 Meacham Blvd., Fort Worth, Texas 76137; telephone 817–222–5110; email *robert.grant@faa.gov.*

(2) For operations conducted under a 14 CFR part 119 operating certificate or under 14 CFR part 91, subpart K, we suggest that you notify your principal inspector, or lacking a principal inspector, the manager of the local flight standards district office or certificate holding district office, before operating any aircraft complying with this AD through an AMOC.

(h) Additional Information

(1) Eurocopter Service Bulletin No. 53–029, Revision 1, dated March 10, 2011, which is not incorporated by reference, contains additional information about the subject of this AD. For service information identified in this AD, contact American Eurocopter Corporation, 2701 N. Forum Drive, Grand Prairie, TX 75052; telephone (972) 641–0000 or (800) 232–0323; fax (972) 641–3775; or at *http://www.eurocopter.com/techpub.* You may review the referenced service information at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137.

(2) The subject of this AD is addressed in European Aviation Safety Agency AD No. 2011–0108, dated June 7, 2011.

(i) Subject

Joint Aircraft Service Component (JASC) Code: 5530 Vertical Stabilizer Structure.

Issued in Fort Worth, Texas, on June 3, 2013.

Kim Smith,

Directorate Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 2013–13799 Filed 6–10–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF EDUCATION

34 CFR Part 75 and Chapter III

[CFDA Number: 84.250C and 84.250D]

American Indian Vocational Rehabilitation Services Program; Proposed Waivers and Extensions of the Project Periods

AGENCY: Rehabilitation Services Administration, Office of Special Education and Rehabilitative Services, Department of Education.

ACTION: Proposed waivers and extensions of project periods.

SUMMARY: These proposed waivers and extensions of project periods would affect two sets of grantees under the American Indian Vocational Rehabilitation Services (AIVRS) Program in the Rehabilitation Services Administration (RSA): eight grantees with 60-month projects initially funded in fiscal year (FY) 2007 (72 FR 11851) and twenty-four grantees with 60-month projects initially funded in FY 2008 (73 FR 6491). For FY 2013, the Secretary proposes to waive the regulations that generally limit project periods to 60 months and that restrict project period extensions involving the obligation of additional Federal funds. The Secretary proposes these actions in order to extend the 60-month projects for the grants initially funded in FY 2007 for a seventh year, and the grants initially funded in FY 2008 for a sixth year. The 32 AIVRS grants would be extended through September 30, 2014.

The proposed waivers and extensions would enable the 32 grantees to request funds and continue to receive Federal funding beyond September 30, 2013, when the project period ends. The grantees must meet all of the AIVRS program and other applicable requirements while receiving funds under this program. Further, if the proposed waivers and extensions are made final, RSA would not announce a new competition in FY 2013 or make new awards in FY 2013.

DATES: We must receive your comments on or before July 11, 2013.

ADDRESSES: Submit all comments on this notice to August Martin, U.S. Department of Education, 400 Maryland

Avenue SW., room 5049, Potomac Center Plaza (PCP), Washington, DC 20202–2800.

If you prefer to send your comments by email, use the following address: *august.martin@ed.gov.* You must include the term ''Proposed Waivers and Extensions for AIVRS'' in the subject line of your message.

FOR FURTHER INFORMATION CONTACT: August Martin. Telephone: (202) 245–7410, or by email: *august.martin@ed.gov.*

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay Service (FRS), toll free, at 1–800–877–8339.

SUPPLEMENTARY INFORMATION:

Invitation To Comment: The Secretary invites you to submit comments regarding the proposed waivers and extensions. We are particularly interested in comments on the effect these proposed waivers and extensions may have on the AIVRS program and on potential applicants for grant awards under any new AIVRS notice inviting applications, should there be one.

During and after the comment period, you may inspect all public comments about the proposed waivers and extensions in room 5049, PCP, 550 12th Street SW., Washington, DC, between the hours of 8:30 a.m. and 4:00 p.m., Washington, DC time, Monday through Friday of each week, except Federal holidays.

Assistance to Individuals with Disabilities in Reviewing the Rulemaking Record: On request we will provide an appropriate accommodation or auxiliary aid to an individual with a disability who needs assistance to review the comments or other documents in the public rulemaking record for this notice of proposed waivers and extensions. If you want to schedule an appointment for this type of accommodation or auxiliary aid, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

Background

In a report released on May 9, 2012, the U.S. Government Accountability Office (GAO) raised a question about the Department's practice for determining eligibility under the AIVRS program. The report is titled ''Federal Funding for Non-Federally Recognized Tribes,'' GAO–12–348, and can be found on the GAO Web site at *www.gao.gov/products/GAO-12-348.*

In this report, the GAO made a finding that the interpretation of ''reservation'' used by the Department in determining eligibility for grants under the AIVRS program raised substantial questions for the GAO about the eligibility of State-recognized tribes not located on State reservations but instead located on a defined and contiguous area of land where there is a concentration of tribal members and in which the tribe is providing structured activities and services, such as the tribal service areas identified in a tribe's grant application. The GAO recommended that the Secretary review the Department's practices with respect to eligibility requirements for AIVRS grants and take appropriate action with respect to grants made to tribes that do not have Federal or State reservations.

In order to comply with the GAO recommendation, the Secretary will be asking for input from tribal officials, tribal governments, tribal organizations, and affected tribal members regarding a possible change in the Department's interpretation of ''reservation'' that would align it with the GAO interpretation. The Secretary's request for comments on this issue will be published in a separate **Federal Register** notice.

The Department believes it is advisable to maintain funding to existing AIVRS projects during the time period it is implementing the GAO recommendation. In this regard, in FY 2012, the Department extended through September 30, 2013, the eight projects initially funded in FY 2007. The Department published a notice inviting comments on the proposed waivers and extensions of the project periods for the FY 2007 grants on July 25, 2012 (77 FR 43560), which was adopted in final on September 26, 2012 (77 FR 59085).

The Department is still in the process of determining the appropriate response to the GAO recommendation and we intend to ask tribal officials for their input consistent with Executive Order 13175. Therefore, we have decided not to hold a new AIVRS competition in FY 2013. The Department has determined that it is not advisable to announce a new competition under which entities would be expected to have the burden of proceeding through the application process while the Department reviews the eligibility requirements for this program.

Instead, the Department believes it is preferable to waive the requirements of 34 CFR 75.250 and 34 CFR 75.261(c)(2), which limit project periods to 60 months and restrict project period extensions that involve the obligation of additional Federal funds, for the eight projects initially funded in FY 2007 and the 24 projects initially funded in FY 2008. Section 121(b)(3) of the Rehabilitation Act of 1973, as amended (the Act) provides that RSA has the authority to make an AIVRS grant effective for more than 60 months, pursuant to prescribed regulations. Through this regulatory action, we are proposing to extend the project period for the grants initially funded in FY 2007 and FY 2008 through September 30, 2014.

The proposed waivers and extensions would enable the 32 AIVRS grantees to request funds and continue to receive Federal funds beyond the 60-month limitation set by 34 CFR 75.250, while the Department determines the appropriate course of action in response to the GAO recommendation. The Department believes that the maintenance of the status quo during this process is in the public interest.

If these proposed waivers and extensions are made final for the 32 AIVRS grantees, RSA will base its decisions regarding annual continuation awards on the program narratives, budgets, budget narratives, and program performance reports submitted by these 32 AIVRS grantees, and on the requirements in 34 CFR 75.253. Any activities to be carried out during the year of continuation awards must be consistent with, or be a logical extension of, the scope, goals, and objectives of each grantee's application, as approved following the 2007 and 2008 AIVRS grant competitions. If we publish the proposed waivers and extensions as final, we would award continuation grants to each grantee that is making substantial progress in performing its AIVRS grant activities.

The proposed waivers of 34 CFR 75.250 and 34 CFR 75.261(c)(2) and extensions of the project periods, would not exempt the 32 AIVRS grantees from the appropriation account-closing provisions of 31 U.S.C. 1552(a), nor would they extend the availability of funds previously awarded to the 32 AIVRS grantees past the five years provided for in 31 U.S.C. 1552(a). Under 31 U.S.C. 1552(a), appropriations available for a limited period may be used for payment of valid obligations for only five years after the expiration of their period of availability for Federal obligation. After that time, the unexpended balance of those funds is canceled and returned to the U.S. Treasury Department and is unavailable for restoration for any purpose (31 U.S.C. 1552(b)).

Regulatory Flexibility Act Certification

The Department certifies that the proposed waivers and extensions would not have a significant economic impact on a substantial number of small entities.

The small entities that would be affected by these proposed waivers and extensions are the eight grantees selected in FY 2007 currently receiving Federal funds, the 24 grantees selected in FY 2008 currently receiving Federal funds, and any other potential applicant for the estimated 32 awards for which there would have been a competition in FY 2013.

The Department certifies that the proposed waivers and extensions would not have a significant economic impact on these entities because the proposed waivers and extensions impose minimal compliance costs to extend projects already in existence, and the activities required to support the additional year of funding would not impose additional regulatory burdens or require unnecessary Federal supervision.

Paperwork Reduction Act of 1995

This notice of proposed waivers and extensions does not contain any information collection requirements.

Intergovernmental Review: The AIVRS program is not subject to Executive Order 12372 and the regulations in 34 CFR part 79.

Accessible Format: Individuals with disabilities can obtain this document in an accessible format (e.g., braille, large print, audiotape, or compact disc) on request to the contact person listed under **FOR FURTHER INFORMATION CONTACT**.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available via the Federal Digital System at: *www.gpo.gov/fdsys.* At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at this site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at: *www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Dated: June 6, 2013.

Michael K. Yudin,

Delegated the authority to perform the functions and duties of the Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 2013–13848 Filed 6–10–13; 8:45 am]

BILLING CODE 4000–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 50, 51, 70 and 71

[EPA–HQ–OAR–2010–0885; FRL–9823–8]

Implementation of the 2008 National Ambient Air Quality Standards for Ozone: State Implementation Plan Requirements

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of public hearing.

SUMMARY: The EPA is announcing a public hearing to be held for the proposed rule ''Implementation of the 2008 National Ambient Air Quality Standards for Ozone: State Implementation Plan Requirements'' which published in the **Federal Register** on June 6, 2013. The hearing will be held on Tuesday, June 25, 2013, in Washington, DC

DATES: The public hearing will be held on June 25, 2013.

ADDRESSES: The June 25, 2013, hearing will be held at the EPA Ariel Rios North Building, Room 1332, 1200 Pennsylvania Avenue NW., Washington, DC 20460. The public hearing will convene at 9 a.m. and continue until 6 p.m. (local time) or later, if necessary, depending on the number of speakers wishing to participate. The EPA will make every effort to accommodate all speakers that arrive and register before 6 p.m. A lunch break is scheduled from 12:30 p.m. until 2 p.m. The EPA Web site for the rulemaking, which includes the proposal and information about the public hearing, can be found at: *http://www.epa.gov/air/ozonepollution/actions.html#impl.*

FOR FURTHER INFORMATION CONTACT: If you would like to speak at the public hearing, please contact Ms. Pamela Long, U.S. Environmental Protection Agency, OAQPS, Air Quality Planning Division, (C504–03), Research Triangle Park, NC 27711, telephone (919) 541–0641, fax number (919) 541–5509, email address *long.pam@epa.gov,* no later than June 24, 2013. If you have any questions relating to the public hearing, please contact Ms. Long at the above number.

Questions concerning the June 6, 2013, proposed rule should be addressed to Dr. Karl Pepple, U.S. EPA, Office of Air Quality Planning and Standards, State and Local Programs Group, (C539–01), Research Triangle Park, N.C. 27711, telephone number (919) 541–2683, email at *pepple.karl@epa.gov.*

SUPPLEMENTARY INFORMATION: The June 6, 2013, notice of proposed rulemaking proposes to implement the 2008 ozone national ambient air quality standards (NAAQS) (the ''2008 ozone NAAQS'') that were promulgated on March 12, 2008. The proposed rule addresses a range of state implementation plan requirements for the 2008 ozone NAAQS, including requirements pertaining to attainment demonstrations, reasonable further progress, reasonably available control technology, reasonably available control measures, new source review requirements in nonattainment areas, emission inventories, and the timing of state implementation plan (SIP) submissions and of compliance with emission control measures in the SIP. Other issues also addressed in the proposed rule are the revocation of the 1997 ozone NAAQS and anti-backsliding requirements that would apply when the 1997 ozone NAAQS is revoked.

Public hearing: The proposal for which EPA is holding the public hearing was published in the **Federal Register** on June 6, 2013, (78 FR 34178) and is available at: *http://www.epa.gov/air/ozonepollution/actions.html#impl* and also in the docket identified below. The public hearing will provide interested parties the opportunity to present data, views, or arguments concerning the proposal. Because this hearing is being held at a U.S. government facility, individuals planning to attend the hearing should be prepared to show valid picture identification to the security staff in order to gain access to the meeting room. In addition, you will need to obtain a property pass for any personal belongings you bring with you. Upon leaving the building, you will be required to return this property pass to the security desk. No large signs will be allowed in the building, cameras may only be used outside of the building, and demonstrations will not be allowed on federal property for security reasons. The EPA may ask clarifying questions during the oral presentations, but will not respond to the presentations at that time. Written statements and supporting information submitted during the comment period will be considered with the same weight as any oral comments and supporting information presented at the public hearing. Written comments on the proposed rule must be postmarked by August 5, 2013.

Commenters should notify Ms. Long if they will need specific equipment, or if there are other special needs related to providing comments at the hearing. The EPA will provide equipment for

commenters to show overhead slides or make computerized slide presentations if we receive special requests in advance. Oral testimony will be limited to 5 minutes for each commenter. The EPA encourages commenters to provide the EPA with a copy of their oral testimony electronically (via email or CD) or in hard copy form.

The hearing schedule, including lists of speakers, will be posted on the EPA's Web site *http://www.epa.gov/air/ozonepollution/actions.html#impl.*Verbatim transcripts of the hearing and written statements will be included in the docket for the rulemaking.

How can I get copies of this document and other related information?

The EPA has established a docket for the proposed rule ''Implementation of the 2008 National Ambient Air Quality Standards for Ozone: State Implementation Plan Requirements'' under Docket ID No. EPA–HQ–OAR–2010–0885 (available at *www.regulations.gov*).

As stated previously, the proposed rule was published in the **Federal Register** on June 6, 2013, (78 FR 34178) and is available at *http://www.epa.gov/air/ozonepollution/actions.html#impl* and in the above-cited docket.

Dated: June 6, 2013.

Mary Henigin,

Acting Director, Office of Air Quality Planning and Standards.

[FR Doc. 2013–13964 Filed 6–10–13; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R05–OAR–2013–0050 FRL–9821–4]

Approval and Promulgation of Air Quality Implementation Plans; Ohio; Lima 1997 8-Hour Ozone Maintenance Plan Revision; Motor Vehicle Emissions Budgets

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: Under the Clean Air Act (CAA), EPA is proposing to approve the request by Ohio to revise the Lima, Ohio 1997 8-hour ozone maintenance air quality State Implementation Plan (SIP) to replace the previously approved motor vehicle emissions budgets with budgets developed using EPA's Motor Vehicle Emissions Simulator (MOVES) emissions model. Ohio submitted the SIP revision request to EPA on January 11, 2013.

DATES: Comments must be received on or before July 11, 2013.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R05–OAR–2013–0050, by one of the following methods:

1. *www.regulations.gov:* Follow the on-line instructions for submitting comments.
2. *Email: blakley.pamela@epa.gov*
3. *Fax:* (312) 692–2450.
4. *Mail:* Pamela Blakley, Chief, Control Strategies Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.
5. *Hand Delivery:* Pamela Blakley, Chief, Control Strategies Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604. Such deliveries are only accepted during the Regional Office normal hours of operation, and special arrangements should be made for deliveries of boxed information. The Regional Office official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding Federal holidays.

Please see the direct final rule which is located in the Rules section of this **Federal Register** for detailed instructions on how to submit comments.

FOR FURTHER INFORMATION CONTACT: Anthony Maietta, Environmental Protection Specialist, Control Strategies Section, Air Programs Branch (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 353–8777, *maietta.anthony@epa.gov.*

SUPPLEMENTARY INFORMATION: In the Final Rules section of this **Federal Register**, EPA is approving the State's SIP submittal as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this rule, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment. For additional information, see the direct final rule which is located in the Rules section of this **Federal Register**.

Dated: May 28, 2013.

Susan Hedman,

Regional Administrator, Region 5.

[FR Doc. 2013–13733 Filed 6–10–13; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R05–OAR–2012–0969 FRL–9821–2]

Approval and Promulgation of Air Quality Implementation Plans; Ohio; 1997 8-Hour Ozone Maintenance Plan Revision; Motor Vehicle Emissions Budgets for the Ohio Portion of the Wheeling Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: Under the Clean Air Act, EPA is proposing to approve the request by Ohio to revise the 1997 8-hour ozone maintenance air quality State Implementation Plan (SIP) for the Ohio portion of the Wheeling, West Virginia-Ohio area to replace the previously approved motor vehicle emissions budgets with budgets developed using EPA's Motor Vehicle Emissions Simulator (MOVES) emissions model. Ohio submitted the SIP revision request to EPA on December 7, 2012.

DATES: Comments must be received on or before July 11, 2013.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R05–OAR–2012–0969, by one of the following methods:

1. *www.regulations.gov:* Follow the on-line instructions for submitting comments.
2. *Email: blakley.pamela@epa.gov*
3. *Fax:* (312) 692–2450.
4. *Mail:* Pamela Blakley, Chief, Control Strategies Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.
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normal hours of operation, and special arrangements should be made for deliveries of boxed information. The Regional Office official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding Federal holidays.

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Dated: May 28, 2013.

Susan Hedman,

Regional Administrator, Region 5.

[FR Doc. 2013–13732 Filed 6–10–13; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R05–OAR–2012–0891; FRL–9823–2]

Approval and Promulgation of Air Quality Implementation Plans; Wisconsin; Removal of Gasoline Vapor Recovery From Southeast Wisconsin

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve a State Implementation Plan (SIP) revision submitted by the Wisconsin Department of Natural Resources (WDNR) on November 12, 2012, concerning the state's Stage II vapor recovery (Stage II) program in southeast Wisconsin. The revision removes Stage II requirements as a component of the Wisconsin ozone SIP. The submittal also includes a demonstration under section 110(l) of the Clean Air Act (CAA) that addresses emissions impacts associated with the removal of the program.

DATES: Comments must be received on or before July 11, 2013.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R05–OAR–2012–0891, by one of the following methods:

1. *www.regulations.gov:* Follow the on-line instructions for submitting comments.
2. *Email: blakley.pamela@epa.gov.*
3. *Fax:* (312) 692–2450.
4. *Mail:* Pamela Blakley, Chief, Control Strategies Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.
5. *Hand Delivery:* Pamela Blakley, Chief, Control Strategies Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604. Such deliveries are only accepted during the Regional Office normal hours of operation, and special arrangements should be made for deliveries of boxed information. The Regional Office official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding Federal holidays.

Instructions: Direct your comments to Docket ID No. EPA–R05–OAR–2012–0891. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *www.regulations.gov* or email. The *www.regulations.gov* Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through *www.regulations.gov* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional instructions on submitting comments, go to section I of the **SUPPLEMENTARY INFORMATION** section of this document.

Docket: All documents in the docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, *e.g.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy at the Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. This facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays. We recommend that you telephone Francisco J. Acevedo, Environmental Protection Specialist, at (312) 886–6061 before visiting the Region 5 office.

FOR FURTHER INFORMATION CONTACT: Francisco J. Acevedo, Environmental Protection Specialist, Control Strategies Section, Air Programs Branch (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–6061, *acevedo.francisco@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document whenever ''we,'' ''us,'' or ''our'' is used, we mean

EPA. This supplementary information section is arranged as follows:

I. What should I consider as I prepare my comments for EPA?

When submitting comments, remember to:

1. Identify the rulemaking by docket number and other identifying information (subject heading, **Federal Register** date, and page number).

2. Follow directions—EPA may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.

3. Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.

4. Describe any assumptions and provide any technical information and/or data that you used.

5. If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.

6. Provide specific examples to illustrate your concerns, and suggest alternatives.

7. Explain your views as clearly as possible, avoiding the use of profanity or personal threats.

8. Make sure to submit your comments by the close of the comment period.

II. Background

Stage II programs were adopted by some states beginning in the 1980s to meet the ozone National Ambient Air Quality Standards (NAAQS). Stage II and onboard refueling vapor recovery systems (ORVR) are two types of emission control systems that capture fuel vapors from vehicle gas tanks during refueling. Stage II systems are specifically installed at gasoline dispensing facilities (GDF) and capture the refueling fuel vapors at the gasoline pump nozzle. The system carries the vapors back to the underground storage tank at the GDF to prevent the vapors from escaping to the atmosphere. ORVR systems are carbon canisters installed directly on automobiles to capture the fuel vapors evacuated from the gasoline tank before they reach the nozzle. The fuel vapors captured in the carbon canisters are then combusted in the engine when the automobile is in operation.

Stage II and vehicle ORVR were initially both required by the 1990 Amendments to the CAA under sections 182(b)(3) and 202(a)(6), respectively. In some areas Stage II has been in place for over 25 years, but was not widely implemented by the states until the early to mid-1990s as a result of the CAA requirements for moderate, serious, severe, and extreme ozone nonattainment areas and for states in the Northeast Ozone Transport Region (OTR) under CAA section 184(b)(2). CAA section 202(a)(6) required EPA to promulgate regulations for ORVR for light-duty vehicles (passenger cars). The EPA adopted these requirements in 1994, at which point moderate ozone nonattainment areas were no longer subject to the section 182(b)(3) Stage II requirement. However, some moderate areas retained Stage II requirements to provide a control method to comply with rate-of-progress emission reduction targets. ORVR equipment has been phased in for new passenger vehicles beginning with model year 1998, and starting in 2001 for light-duty trucks and most heavy-duty gasoline-powered vehicles. ORVR equipment has been installed on nearly all new gasoline-powered light-duty vehicles, light-duty trucks and heavy-duty vehicles since 2006.

During the phase-in of ORVR controls, Stage II has provided volatile organic compound (VOC) reductions in ozone nonattainment areas and certain attainment areas of the OTR. Congress recognized that ORVR and Stage II would eventually become largely redundant technologies, and provided authority to the EPA to allow states to remove Stage II from their SIPs after EPA finds that ORVR is in widespread use. Effective May 16, 2012, the date the final rule was published in the **Federal Register** (77 FR 28772), EPA determined that ORVR is in widespread nationwide use for control of gasoline emissions during refueling of vehicles at GDFs. Currently, more than 75 percent of gasoline refueling nationwide occurs with ORVR-equipped vehicles, so Stage II programs have become largely redundant control systems and Stage II systems achieve an ever declining emissions benefit as more ORVR-equipped vehicles continue to enter the on-road motor vehicle fleet.[1] EPA also exercised its authority under CAA section 202(a)(6) to waive certain Federal statutory requirements for Stage II gasoline vapor recovery at GDFs. This decision exempts all new ozone nonattainment areas classified serious or above from the requirement to adopt Stage II control programs. Similarly, any state currently implementing Stage II programs may submit SIP revisions that, once approved by EPA, would allow for the phase out of Stage II control systems.

III. What changes have been made to the Wisconsin Stage II Vapor Recovery Program?

Wisconsin originally submitted a SIP revision to EPA on November 18, 1992, to satisfy the requirement of section 182(b)(3) of the CAA. The revision applied to the counties of Kenosha, Kewanee, Manitowoc, Milwaukee, Ozaukee, Racine, Sheboygan, Washington and Waukesha and was incorporated within the WDNR's 1993–94 ozone 15% Control Plan. EPA fully approved Wisconsin's Stage II program on August 13, 1993 (53 FR 43080), including the program's legal authority and administrative requirements found in Section 285.31 of the Wisconsin Statutes and Chapter NR 420.045 of the Wisconsin Administrative Code.

On November 12, 2012, WDNR submitted a SIP revision requesting the removal of Stage II requirements under NR 420.045 of the Wisconsin Administrative Code from the Wisconsin ozone SIP. To support the removal of the Stage II requirements, the revision included copies of 2011 Wisconsin Act 196 enacted on April 2, 2012 authorizing the termination of Stage II requirements in Wisconsin; a summary of MOVES2010b modeling results and Wisconsin specific calculations based on EPA guidance used to calculate program benefits and demonstrate widespread use of ORVR in southeast Wisconsin; and a section 110(l) demonstration that includes offset emission credits. WDNR held a public hearing on the Wisconsin Stage II SIP revision on October 8, 2012, in Waukesha, Wisconsin and allowed for written public comments until October 12, 2012.

[1] In areas where certain types of vacuum-assist Stage II systems are used, the differences in operational design characteristics between ORVR and some configurations of these Stage II systems result in the reduction of overall control system efficiency compared to what could have been achieved relative to the individual control efficiencies of either ORVR or Stage II emissions from the vehicle fuel tank.

IV. What is EPA's analysis of the state's submittal?

Revisions to SIP-approved control measures must meet the requirements of CAA section 110(l) to be approved by EPA. Section 110(l) states: ''The Administrator shall not approve a revision of a plan if the revision would interfere with any applicable requirement concerning attainment and reasonable further progress (as defined in section 171), or any other applicable requirement of this Act.''

EPA interprets section 110(l) to apply to all requirements of the CAA and to all areas of the country, whether attainment, nonattainment, unclassifiable, or maintenance for one or more of the six criteria pollutants. EPA also interprets section 110(l) to require a demonstration addressing all criteria pollutants whose emissions and/or ambient concentrations may change as a result of the SIP revision. In the absence of an attainment demonstration, to demonstrate no interference with any applicable NAAQS or requirement of the CAA under section 110(l), EPA believes it is appropriate to allow states to substitute equivalent emissions reductions to compensate for any change to a SIP-approved program, as long as actual emissions in the air are not increased. ''Equivalent'' emissions reductions mean reductions which are equal to or greater than those reductions achieved by the control measure approved in the SIP. To show that compensating emissions reductions are equivalent, modeling or adequate justification must be provided. The compensating, equivalent reductions must represent actual, new emissions reductions achieved in a contemporaneous time frame to the change of the existing SIP control measure, in order to preserve the status quo level of emission in the air. In addition to being contemporaneous, the equivalent emissions reductions must also be permanent, enforceable, quantifiable, and surplus to be approved into the SIP.

The Wisconsin Stage II SIP revision includes a 110(l) demonstration that uses equivalent emissions reductions to compensate for emission reduction losses resulting from the removal of Stage II program requirements before ORVR is in widespread use in southeast Wisconsin. WDNR has calculated that by 2016, ORVR will be in widespread use in southeast Wisconsin and the absence of the Wisconsin Stage II program after 2016 would not result in a net VOC emissions increase compared to the continued utilization of this emissions control technology. The emission reduction losses resulting from removing Stage II before 2016 are transitional and relatively small since ORVR-equipped vehicles will continue to phase into the fleet over the coming years.

WDNR's calculation indicates a maximum potential loss of 0.02 to 0.70 tons per summer day (tpsd) from 2012 through 2015, were the decommissioning of existing Stage II systems to occur completely during a specified year. However, decommissioning is scheduled to occur over a four-year period from 2012 through 2015. This extended period was taken into consideration to account for the costs and timing associated with replacement equipment and the decommissioning cost process. Table 1 below summarizes WDNR's emissions calculations of the yearly emission reduction losses during the Stage II decommissioning period between 2012 and 2015 in tpsd and tons per year (tpy) and highlights the emissions difference that needs to be addressed as part of the 110(l) demonstration.

TABLE 1—(VOC EMISSIONS OFFSETS NEEDED IN SOUTHEAST WISCONSIN)

	2012	2013	2015
Maximum Potential Loss of VOC Emission Credits (tpsd)	0.67–0.70	0.40–0.42	0.021–0.022
Percent Stage II Throughput Decommissioned	20%	50%	90%
Tons per Summer Day Lost VOC Credit (tpsd)	0.134–0.140	0.200–0.210	0.019–0.020
Tons per Year Lost VOC Credit (tpy)	42.9–44.8	64.0–67.2	6.1–6.4

The implementation of the Stage II program in southeast Wisconsin has resulted in reductions of VOC emissions. VOC contributes to the formation of ground-level ozone. Thus the potential increase in VOC needs to be offset with equivalent (or greater) emissions reductions from another control measure in order to demonstrate non-interference with the 8-hour ozone NAAQS.

On June 6, 2012, the WDNR submitted a SIP revision related to the state's vehicle inspection and maintenance (I/M) program. As part of that submittal, WDNR provided VOC and oxides of nitrogen (NO_X) emission credits to offset changes to the SIP approved I/M program. These emission credits were from previously permitted emissions sources located in southeast Wisconsin that have permanently shutdown, and whose permits have been revoked. The expiration and revocation of these sources' permits allows the state to use the emission credits associated with them for other purposes under the SIP and makes such credits permanent and enforceable. Table 2 outlines the remaining equivalent VOC emissions credits that are available between 2012 and 2015 that can be used for Stage II.

TABLE 2—AVAILABLE VOC AND NO_X EMISSION CREDITS FOR THE STAGE II VAPOR RECOVERY PROGRAM.

Year[2]	VOC (tons)	NO_X (tons)	Equivalent VOC (tons)[3]
2012	42.02	46.42	53.63
2013	86.07	97.17	110.36
2014[4]	130.12	147.92	167.10
2015	174.18	198.66	223.85

[2] 2011 Wisconsin Act 196 enacted on April 2, 2012 authorized the termination of Stage II requirements beginning May 16, 2012, the date when EPA finalized a rule determining that ORVR was in widespread use nationwide. Stage II decommissioning in southeast Wisconsin is set to occur within a four year period between 2012 and 2015.

[3] Based on 4:1 NO_X to VOC Ratio (*i.e.* 4 tons of NO_X = 1 ton of VOC)

[4] The VOC emissions shortfall was interpolated between 2013 and 2015 since the MOVES modeling was not done specifically for this year.

Table 3 below summarizes WDNR's Stage II emissions make-up demonstration. The table specifically highlights the annual emissions shortfall that will take place during the phase out of the Wisconsin Stage II program between 2012 and 2015. In addition, the table outlines the amount of equivalent VOC emission credits that are being used to offset the shortfall using the VOC to NO_X conversion approach outlined in EPA's proposed approval of Wisconsin's June 6, 2012 SIP revision (see 78 FR 24373). Based on the use of permanent, enforceable, contemporaneous, surplus emissions reductions achieved through the shutdown of permitted emissions sources, EPA believes that the removal of the Wisconsin Stage II program does not interfere with southeast Wisconsin's ability to demonstrate compliance with the 8-hour ozone NAAQS.

TABLE 3—MAKE-UP OF STAGE II VAPOR RECOVERY PROGRAM EMISSIONS SHORTFALL

Year	VOC emissions shortfall (tons)	Available VOC emissions credit (tons)	Difference (shortfall-credit) (tons)
2012	42.9–44.8	53.63	−8.83
2013	64.0–67.2	110.36	−43.16
2014	47.0–49.6	167.10	−117.50
2015	6.1–6.4	223.85	−217.45

EPA also examined whether the removal of Stage II program requirements in southeast Wisconsin will interfere with attainment of other air quality standards. Southeast Wisconsin is designated attainment for all standards other than ozone and particulate matter, including sulfur dioxide and nitrogen dioxide. EPA has no reason to believe that the removal of the Stage II program in southeast Wisconsin will cause the area to become nonattainment for any of these pollutants. In addition, EPA believes that removing the Stage II program requirements in southeast Wisconsin will not interfere with the area's ability to meet any other CAA requirement.

Based on the above discussion and the state's section 110(l) demonstration, EPA believes that removal of the Stage II program would not interfere with attainment or maintenance of any of the NAAQS in both the Milwaukee-Racine and Sheboygan County nonattainment areas and would not interfere with any other applicable requirement of the CAA, and thus, are approvable under CAA section 110(l).

V. What action is EPA proposing to take?

EPA is proposing to approve the revision to the Wisconsin ozone SIP submitted by WDNR on November 12, 2012, because we find that the revision meets all applicable requirements and it would not interfere with reasonable further progress or attainment of any of the national ambient air quality standards.

VI. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, this rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the state, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Intergovernmental relations, Nitrogen oxides, Ozone, Volatile organic compounds.

Dated: June 3, 2013.

Susan Hedman,

Regional Administrator, Region 5.

[FR Doc. 2013–13828 Filed 6–10–13; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2012–0451; FRL–9822–4]

Approval and Promulgation of Air Quality Implementation Plans; Virginia; Section 110(a)(2) Infrastructure Requirements for the 2008 Lead National Ambient Air Quality Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve a State Implementation Plan (SIP) revision submitted by the Commonwealth of Virginia addressing the basic program elements specified in 110(a)(2) of the Clean Air Act (CAA) necessary to implement, maintain, and enforce the 2008 lead national ambient air quality standards (NAAQS). This submission is commonly referred to as an infrastructure SIP. This action does not include the nonattainment requirements of part D, Title I (referred to as element I), since this element is not required to be submitted by the 3-year submission deadline of CAA section 110(a)(1), and will be addressed in a separate action. This action is being taken under the CAA.

DATES: Written comments must be received on or before July 11, 2013.

ADDRESSES: Submit your comments, identified by Docket ID Number EPA–R03–OAR–2012–0451 by one of the following methods:

A. *www.regulations.gov.* Follow the on-line instructions for submitting comments.

B. *Email: fernandez.cristina@epa.gov.*

C. *Mail:* EPA–R03–OAR–2012–0451, Cristina Fernandez, Associate Director, Office of Air Program Planning, Air Protection Division, Mailcode 3AP30, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103.

D. *Hand Delivery:* At the previously-listed EPA Region III address. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA–R03–OAR–2012–0451. EPA's policy is that all comments received will be included in the public docket without change, and may be made available online at *www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *www.regulations.gov* or email. The *www.regulations.gov* Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through *www.regulations.gov,* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: All documents in the electronic docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, i.e., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the State submittal are available at the Virginia Department of Environmental Quality, 629 East Main Street, Richmond, Virginia 23219.

FOR FURTHER INFORMATION CONTACT: Ellen Schmitt, (215) 814–5787, or by email at *schmitt.ellen@epa.gov.*

SUPPLEMENTARY INFORMATION: On March 9, 2012, the Virginia Department of Environmental Quality (VADEQ) submitted a revision to its SIP to satisfy the requirements of section 110(a)(2) of the CAA for the 2008 lead NAAQS.

I. Background

On October 15, 2008, EPA substantially strengthened the primary and secondary lead NAAQS (hereafter the ''2008 lead NAAQS''), revising the level of the primary (health-based) standard from 1.5 micrograms per cubic meter ($\mu g/m^3$) to 0.15 $\mu g/m^3$, measured as total suspended particles (TSP) and not to be exceeded with an averaging time of a rolling 3-month period. EPA also revised the secondary (welfare-based) standard to be identical to the primary standard, as well as the associated ambient air monitoring requirements. *See* 40 CFR 50.16.

Section 110(a) of the CAA requires states to submit SIPs to provide for the implementation, maintenance, and enforcement of a new or revised NAAQS within three years following the promulgation of such NAAQS or within such shorter period as EPA may prescribe. The contents of that submission may vary depending upon the facts and circumstances. In particular, the data and analytical tools available at the time the state develops and submits the SIP for a new or revised NAAQS affects the content of the submission. The contents of such SIP submissions may also vary depending upon what provisions the state's existing SIP already contains.

Pursuant to section 110(a)(1) of the CAA, states are required to submit SIPs meeting the applicable requirements of section 110(a)(2) within three years after promulgation of a new or revised NAAQS or within such shorter period as EPA may prescribe. Section 110(a)(1) provides the procedural and timing requirements for SIPs and section 110(a)(2) requires states to address basic SIP elements such as requirements for monitoring, basic program requirements and legal authority that are designed to assure attainment and maintenance of the NAAQS. More specifically, section 110(a)(2) lists specific elements that states must meet for ''infrastructure'' SIP requirements related to a newly established or revised NAAQS.

For the 2008 lead NAAQS, states typically have met many of the basic program elements required in CAA section 110(a)(2) through earlier SIP submissions in connection with previous lead NAAQS. Nevertheless, pursuant to CAA section 110(a)(1), states will have to review and revise, as appropriate, their existing lead NAAQS SIPs to ensure that the SIPs are adequate to address the 2008 lead NAAQS. To assist states in meeting this statutory requirement, EPA issued a guidance on October 14, 2011, entitled, ''Guidance on Infrastructure State Implementation Plan (SIP) Elements Required Under sections 110(a)(1) and 110(a)(2) for the 2008 Lead (Pb) National Ambient Air Quality Standards (NAAQS)'' (hereafter the ''2011 Lead Infrastructure Guidance''), which lists the basic

elements that states should include in their SIPs for the 2008 lead NAAQS.

II. Summary of SIP Revision

On March 9, 2012, VADEQ provided a submittal to satisfy the requirements of section 110(a)(2) of the CAA for the 2008 lead NAAQS. This submittal addressed the following infrastructure elements, which EPA is proposing to approve: CAA section 110(a)(2)(A), (B), (C) (for enforcement and regulation of minor sources), (D)(i)(I), (D)(i)(II) (for visibility protection), (D)(ii), (E)(i), (E)(iii), (F), (G), (H), (J), (K), (L), and (M), or portions thereof. EPA is taking separate action on the portions of (C), (D)(i)(II), and (J) as they relate to Virginia's PSD program and (E)(ii) as it relates to CAA section 128 (State Boards). Virginia did not submit element (I) which pertains to the nonattainment requirements of part D, Title I of the CAA, since this element is not required to be submitted by the 3-year submission deadline of CAA section 110(a)(1), and will be addressed in a separate process.

In accordance with a decision from the U.S. Court of Appeals for the D.C. Circuit, the EPA at this time is not treating the 110(a)(2)(D)(i)(I) SIP submission from the Commonwealth of Virginia as a required SIP submission. *See EME Homer City Generation, LP* v. *EPA,* 696 F.3d 7 (D.C. Cir. 2012), *reh'g denied* 2013 U.S. App. LEXIS 1623 (Jan. 24, 2013). However, even if the submission is not considered to be ''required,'' the EPA must act on the 110(a)(2)(D)(i)(I) SIP submission from Virginia because section 110(k)(2) of the CAA requires the EPA to act on all SIP submissions. Unless the *EME Homer City* decision is reversed or otherwise modified by the Supreme Court, states are not required to submit 110(a)(2)(D)(i)(I) SIPs until the EPA has quantified their obligations under that section. In this notice, EPA is proposing to act on the Commonwealth of Virginia's 110(a)(2)(D)(i)(I) submission.

III. General Information Pertaining to SIP Submittals from the Commonwealth of Virginia

In 1995, Virginia adopted legislation that provides, subject to certain conditions, for an environmental assessment (audit) ''privilege'' for voluntary compliance evaluations performed by a regulated entity. The legislation further addresses the relative burden of proof for parties either asserting the privilege or seeking disclosure of documents for which the privilege is claimed. Virginia's legislation also provides, subject to certain conditions, for a penalty waiver for violations of environmental laws when a regulated entity discovers such violations pursuant to a voluntary compliance evaluation and voluntarily discloses such violations to the Commonwealth and takes prompt and appropriate measures to remedy the violations. Virginia's Voluntary Environmental Assessment Privilege Law, Va. Code Sec. 10.1–1198, provides a privilege that protects from disclosure documents and information about the content of those documents that are the product of a voluntary environmental assessment. The Privilege Law does not extend to documents or information that: (1) Are generated or developed before the commencement of a voluntary environmental assessment; (2) are prepared independently of the assessment process; (3) demonstrate a clear, imminent and substantial danger to the public health or environment; or (4) are required by law.

On January 12, 1998, the Commonwealth of Virginia Office of the Attorney General provided a legal opinion that states that the Privilege law, Va. Code Sec. 10.1–1198, precludes granting a privilege to documents and information ''required by law,'' including documents and information ''required by Federal law to maintain program delegation, authorization or approval,'' since Virginia must ''enforce Federally authorized environmental programs in a manner that is no less stringent than their Federal counterparts. . . .'' The opinion concludes that ''[r]egarding § 10.1–1198, therefore, documents or other information needed for civil or criminal enforcement under one of these programs could not be privileged because such documents and information are essential to pursuing enforcement in a manner required by Federal law to maintain program delegation, authorization or approval.''

Virginia's Immunity law, Va. Code Sec. 10.1–1199, provides that ''[t]o the extent consistent with requirements imposed by Federal law,'' any person making a voluntary disclosure of information to a state agency regarding a violation of an environmental statute, regulation, permit, or administrative order is granted immunity from administrative or civil penalty. The Attorney General's January 12, 1998 opinion states that the quoted language renders this statute inapplicable to enforcement of any Federally authorized programs, since ''no immunity could be afforded from administrative, civil, or criminal penalties because granting such immunity would not be consistent with Federal law, which is one of the criteria for immunity.''

Therefore, EPA has determined that Virginia's Privilege and Immunity statutes will not preclude the Commonwealth from enforcing its PSD, NSR, or Title V programs consistent with the Federal requirements. In any event, because EPA has also determined that a state audit privilege and immunity law can affect only state enforcement and cannot have any impact on Federal enforcement authorities, EPA may at any time invoke its authority under the CAA, including, for example, sections 113, 167, 205, 211 or 213, to enforce the requirements or prohibitions of the state plan, independently of any state enforcement effort. In addition, citizen enforcement under section 304 of the CAA is likewise unaffected by this, or any, state audit privilege or immunity law.

IV. Proposed Action

EPA is proposing to approve the following CAA section 110(a)(2) elements of Virginia's SIP revision: (A), (B), (C) (for enforcement and regulation of minor sources), (D)(i)(I), (D)(i)(II) (for visibility protection), (D)(ii), (E)(i), (E)(iii), (F), (G), (H), (J), (K), (L), and (M), or portions thereof. Virginia's SIP revision provides the basic program elements specified in CAA section 110(a)(2) necessary to implement, maintain, and enforce the 2008 lead NAAQS. This SIP revision was submitted on March 9, 2012. This action does not include section 110(a)(2)(I) of the CAA which pertains to the nonattainment requirements of part D, Title I of the CAA, since this element is not required to be submitted by the 3-year submission deadline of CAA section 110(a)(1), and will be addressed in a separate process. Additionally, EPA is taking separate action on the portions of CAA section 110(a)(2) infrastructure elements for the 2008 lead NAAQS as they relate to Virginia's PSD program, as required by part C of Title I of the CAA. This includes portions of the following infrastructure elements of CAA section 110(a)(2): (C), (D)(i)(II), and (J). EPA is soliciting public comments on the issues discussed in this document. These comments will be considered before taking final action.

V. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action

merely proposes to approve state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this proposed action:

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, this proposed rule, which satisfies certain infrastructure requirements of section 110(a)(2) of the CAA for the 2008 lead NAAQS for the Commonwealth of Virginia, does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the state, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Lead.

Authority: 42 U.S.C. 7401 *et seq.*

Dated: May 28, 2013.

W.C. Early,

Acting Regional Administrator, Region III.

[FR Doc. 2013–13726 Filed 6–10–13; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2013–0289; FRL–9822–2]

Approval and Promulgation of Air Quality Implementation Plans; Virginia; Revision to the Classification and Implementation of the 2008 Ozone National Ambient Air Quality Standards for the Northern Virginia Nonattainment Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA proposes to approve State Implementation Plan (SIP) revisions submitted by the Commonwealth of Virginia consisting of two amendments: an amendment to the list of nonattainment areas; and an amendment to the 1997 National Ambient Air Quality Standards (NAAQS) for ozone for the purposes of transportation conformity. In the Final Rules section of this **Federal Register**, EPA is approving the Commonwealth's SIP submittal as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this action, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time.

DATES: Comments must be received in writing by July 11, 2013.

ADDRESSES: Submit your comments, identified by Docket ID Number EPA–R03–OAR–2013–0289 by one of the following methods:

A. *www.regulations.gov.* Follow the on-line instructions for submitting comments.

B. *Email: fernandez.cristina@epa.gov.*

C. *Mail:* EPA–R03–OAR–2013–0289, Cristina Fernandez, Associate Director, Office of Air Program Planning, Air Protection Division, Mailcode 3AP30, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103.

D. *Hand Delivery:* At the previously-listed EPA Region III address. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA–R03–OAR–2013–0289. EPA's policy is that all comments received will be included in the public docket without change, and may be made available online at *www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *www.regulations.gov* or email. The *www.regulations.gov* Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through *www.regulations.gov,* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: All documents in the electronic docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, i.e., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the State submittal are available at the Virginia Department of

Environmental Quality, 629 East Main Street, Richmond, Virginia 23219.

FOR FURTHER INFORMATION CONTACT: Gregory Becoat, (215) 814–2036, or by email at *becoat.gregory@epa.gov.*

SUPPLEMENTARY INFORMATION: For further information, please see the information provided in the direct final action, with the same title, that is located in the ''Rules and Regulations'' section of this **Federal Register** publication.

Dated: May 28, 2013.

W.C. Early,

Acting Regional Administrator, Region III.

[FR Doc. 2013–13728 Filed 6–10–13; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 62

[EPA–R05–OAR–2013–0372; FRL–9820–9]

Proposal for Sewage Sludge Incinerators State Plan for Designated Facilities and Pollutants; Indiana

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve, through direct final rulemaking, Indiana's State Plan to control air pollutants from Sewage Sludge Incinerators (SSI). The Indiana Department of Environmental Management submitted the State Plan on February 27, 2013, following the required public process. The State Plan is consistent with the Emission Guidelines promulgated by EPA on March 21, 2011. This approval means that EPA finds that the State Plan meets applicable Clean Air Act requirements for subject SSI units. Once effective, this approval also makes the State Plan Federally enforceable.

DATES: Comments must be received on or before July 11, 2013.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R05–OAR–2013–0372, by one of the following methods:

1. *www.regulations.gov:* Follow the on-line instructions for submitting comments.
2. *Email: nash.carlton@epa.gov.*
3. *Fax:* (312) 692–2543.
4. *Mail:* Carlton T. Nash, Chief, Toxics and Global Atmosphere Section, Air Toxics and Assessment Branch (AT–18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.
5. *Hand Delivery:* Carlton T. Nash, Chief, Toxics and Global Atmosphere Section, Air Toxics and Assessment Branch (AT–18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604. Such deliveries are only accepted during the Regional Office normal hours of operation, and special arrangements should be made for deliveries of boxed information. The Regional Office official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m. excluding Federal holidays.

Please see the direct final rule which is located in the Rules section of this **Federal Register** for detailed instructions on how to submit comments.

FOR FURTHER INFORMATION CONTACT: Margaret Sieffert, Environmental Engineer, Environmental Protection Agency, Region 5, 77 West Jackson Boulevard (AT–18J), Chicago, Illinois 60604, (312) 353–1151, *sieffert.margaret@epa.gov.*

SUPPLEMENTARY INFORMATION: In the Rules section of this **Federal Register**, EPA is approving the State's submittal as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this rule, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment. For additional information, see the direct final rule which is located in the Rules section of this **Federal Register**.

Dated: May 28, 2013.

Susan Hedman,

Regional Administrator, Region 5.

[FR Doc. 2013–13712 Filed 6–10–13; 8:45 am]

BILLING CODE 6560–50–P

Notices

Federal Register
Vol. 78, No. 112
Tuesday, June 11, 2013

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[Doc. No. AMS–FV–13–0013]

Request for Extension and Revision of a Currently Approved Information Collection With Additional Merge of Additional Collection: Regulations Governing Inspection and Certification of Fresh and Processed Fruits, Vegetables and other Products

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice; correction.

SUMMARY: The Agricultural Marketing Service published a document in the **Federal Register** on May 13, 2013 [78 FR 32030] concerning request for approval from the Office of Management and Budget for an Extension and Revision of a Currently Approved Information Collection With Additional Merge of Additional Collection: Regulations Governing Inspection and Certification of Fresh and Processed Fruits, Vegetables and other Products. The document contained errors.

FOR FURTHER INFORMATION CONTACT: Francisco Grazette (202) 720–1556.

Correction

In the **Federal Register** document published May 13, 2013, FR Doc. 2013–11211 on page 27936, second column, correct the **DATES** section to read:

DATES: Comments on this notice must be received by July 12, 2013 to be assured consideration.

Dated: June 5, 2013.

Rex A. Barnes,

Associate Administrator, Agricultural Marketing Service.

[FR Doc. 2013–13829 Filed 6–10–13; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Rural Business-Cooperative Service

Notice of Request for Extension of a Currently Approved Information Collection

AGENCY: Rural Business-Cooperative Service, USDA.

ACTION: Proposed collection; Comments requested.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Rural Business-Cooperative Service's (RBS) intention to request an extension for a currently approved information collection in support of the program for the Annual Survey of Farmer Cooperatives, as authorized in the Cooperative Marketing Act of 1926.

DATES: Comments on this notice must be received by August 12, 2013.

FOR FURTHER INFORMATION CONTACT: E. Eldon Eversull, Research and Education Division, RBS, U.S. Department of Agriculture, STOP 3256, 1400 Independence Avenue SW., Washington, DC 20250–3256, Telephone (202) 690–1415 or send an email message to: *eldon.eversull@wdc.usda.gov.*

SUPPLEMENTARY INFORMATION:

Title: Annual Survey of Farmer Cooperatives.

OMB Number: 0570–0007.

Expiration Date of Approval: September 30, 2013.

Type of Request: Extension of a currently approved information collection.

Abstract: The primary objective of Rural Business-Cooperative Service (RBS) is to promote understanding, use and development of the cooperative form of business as a viable option for enhancing the income of the agricultural producers and other rural residents. RBS' direct role is providing knowledge to improve the effectiveness and performance of farmer cooperative businesses through technical assistance, research, information, and education. The annual survey of farmer cooperatives collects basic statistics on cooperative business volume, net income, members, financial status, employees, and other selected information to support RBS' objective and role. Cooperative statistics are published in various reports and used by the U.S. Department of Agriculture, cooperative management, educators and others in planning and promoting the cooperative form of business.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 1 hour or less per response.

Respondents: Farmer cooperatives.

Estimated Number of Respondents: 1,384.

Estimated Number of Responses per Respondent: 1.

Estimated Number of Responses: 1,367.

Estimated Total Annual Burden on Respondents: 1,367 Hours.

Copies of this information collection can be obtained from Jeanne Jacobs, Regulations and Paperwork Management Division, at (202) 692–0040.

Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of RBS, including whether the information will have practical utility; (b) the accuracy of the RBS' estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or forms of information technology. Comments may be sent to Jeanne Jacobs , Regulation and Paperwork Management Branch, Support Services Division, U.S. Department of Agriculture, Rural Development, STOP 0742, Washington, DC 20250–0742. All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Dated: May 23, 2013.

Lillian Salerno,

Acting Administrator, Rural Business-Cooperative Service.

[FR Doc. 2013–13780 Filed 6–10–13; 8:45 am]

BILLING CODE 3410–XY–P

DEPARTMENT OF AGRICULTURE

Rural Business-Cooperative Service

Notice of Contract Proposals (NOCP) for the Advanced Biofuels Payment Program

AGENCY: Rural Business-Cooperative Service, United States Department of Agriculture (USDA).

ACTION: Notice.

SUMMARY: This Notice of Contract Proposals announces the acceptance of applications and the availability of $98.6 million to make payments to advanced biofuel producers for the production of eligible advanced biofuels. Of the $98.6 million, $68.6 million will be available for Fiscal Year 2013 production and the remainder of approximately $30 million is for payments for production in prior fiscal years. This funding for Fiscal Year 2013 is in accordance with The Consolidated and Further Continuing Appropriations Act, 2013, Public Law 113–6.

DATES: Applications for participating in the Advanced Biofuel Payment Program for Fiscal Year 2013 were accepted from October 1, 2012, through October 31, 2012, in accordance with 7 CFR 4288, Subpart B, section 4288.120 (b). In addition, applications received by July 11, 2013 will be considered for Fiscal Year 2013 funds. Producers applying after June 11, 2013 will not be paid for payment requests submitted after the payment request timeframe. Payment requests are required to be submitted in accordance with 7 CFR 4288, Subpart B, section 4288.130(d). The Biofuel Payment Program Annual Application, Form RD 4288–1, must be submitted prior to or with the Advanced Biofuel Payment Program—Payment Request, Form RD 4288–3.

ADDRESSES: See the **SUPPLEMENTARY INFORMATION** for addresses concerning applications for the Advanced Biofuel Payment Program for Fiscal Year 2013 funds.

FOR FURTHER INFORMATION CONTACT: For information about the Fiscal Year 2013 applications and for Advanced Biofuel Payment Program assistance, please contact a USDA Rural Development Energy Coordinator, as provided in the **SUPPLEMENTARY INFORMATION** section of this Notice, or Lisa Noty, Energy Division, USDA Rural Development, 255 U.S. Highway 69, Garner, IA 50438. Telephone: (641) 923–3666 Extension 109. Email: *lisa.noty@wdc.usda.gov.*

SUPPLEMENTARY INFORMATION:

Fiscal Year 2013 Applications for the Advanced Biofuel Payment Program

An applicant (unless the applicant is an individual) must have a Dun and Bradstreet Data Universal Numbering System (DUNS) number, which can be obtained at no cost via a toll-free request line at 1–866–705–5711 or online at *http://fedgov.dnb.com/webform.* Complete applications must be submitted to the Rural Development State Office in the State in which the applicant's principal place of business is located.

Universal Identifier and System for Awards Management (SAM)

Unless exempt under 2 CFR 25.110, the applicant must:

(a) Be registered in the SAM prior to submitting an application or plan;

(b) Maintain an active SAM registration with current information at all times during which it has an active Federal award or an application or plan under consideration by the Agency; and

(c) Provide its DUNS number in each application or plan it submits to the Agency.

Rural Development Energy Coordinators

Note: Telephone numbers listed are not toll-free.

Alabama

Marcia Johnson, USDA Rural Development, Suite 601, Sterling Centre, 4121 Carmichael Road, Montgomery, AL 36106–3683, (334) 279–3453, *marcia.johnson@al.usda.gov.*

Alaska

Chad Stovall, USDA Rural Development, 800 West Evergreen, Suite 201, Palmer, AK 99645–6539, (907) 761–7718, *chad.stovall@ak.usda.gov.*

American Samoa (See Hawaii)

Arizona

Gary Mack, USDA Rural Development, 230 North First Avenue, Suite 206, Phoenix, AZ 85003–1706, (602) 280–8717, *gary.mack@az.usda.gov.*

Arkansas

Laura Tucker, USDA Rural Development, 700 West Capitol Avenue, Room 3416, Little Rock, AR 72201–3225, (501) 301–3280, *laura.tucker@ar.usda.gov.*

California

Steven Nicholls, USDA Rural Development, 430 G Street, #4169, Davis, CA 95616, (530) 792–5805, *steven.nicholls@ca.usda.gov.*

Colorado

Janice Pond, USDA Rural Development, Denver Federal Center, Building 56, Room 2300, P.O. Box 25426, Denver, CO 80225–0426, (720) 544–2907, *janice.pond@co.usda.gov.*

Commonwealth of the Northern Marianas Islands-CNMI (See Hawaii)

Connecticut (see Massachusetts)

Delaware/Maryland

Bruce Weaver, USDA Rural Development, 1221 College Park Drive, Suite 200, Dover, DE 19904, (302) 857–3629, *bruce.weaver@de.usda.gov.*

Federated States of Micronesia (See Hawaii)

Florida/Virgin Islands

Angela Prioleau, USDA Rural Development, 4440 NW., 25th Place, Gainesville, FL 32606, (352) 338–3412, *angela.prioleua@fl.usda.gov.*

Georgia

J. Craig Scroggs, USDA Rural Development, 111 E. Spring St., Suite B, Monroe, GA 30655, (770) 267–1413, ext. 113, *craig.scroggs@ga.usda.gov.*

Guam (See Hawaii)

Hawaii/Guam/Republic of Palau/ Federated States of Micronesia/Republic of the Marshall Islands/American Samoa/Commonwealth of the Northern Marianas Islands-CNMI

Hawaii

Tim O'Connell, USDA Rural Development, Federal Building, Room 311, 154 Waianuenue Avenue, Hilo, HI 96720, (808) 933–8313, *tim.oconnell@hi.usda.gov.*

Idaho

Brian Buch, USDA Rural Development, 9173 W. Barnes Drive, Suite A1, Boise, ID 83709, (208) 378–5623, *brian.buch@id.usda.gov.*

Illinois

Mary Warren, USDA Rural Development, 2118 West Park Court, Suite A, Champaign, IL 61821, (217) 403–6218, *mary.warren@il.usda.gov.*

Indiana

Jerry Hay, USDA Rural Development, 5975 Lakeside Boulevard, Indianapolis, IN 46278, (812) 346–3411, ext. 126, *jerry.hay@in.usda.gov.*

Iowa

Kate Sand, USDA Rural Development, 909 E. 2nd Avenue, Suite C, Indianola, IA 50125, (515) 961–5365, ext.130, *kate.sand@ia.usda.gov.*

Kansas

David Kramer, USDA Rural Development, 1303 SW First American Place, Suite 100, Topeka, KS 66604–4040, (785) 271–2736, *david.kramer@ks.usda.gov.*

Kentucky

Scott Maas, USDA Rural Development, 771 Corporate Drive, Suite 200, Lexington, KY 40503, (859) 224–7435, *scott.maas@ky.usda.gov.*

Louisiana

Kevin Boone, USDA Rural Development, 905 Jefferson Street, Suite 320, Lafayette, LA 70501, (337) 262–6601, ext. 133, *kevin.boone@la.usda.gov.*

Maine

Beverly Stone, USDA Rural Development, 967 Illinois Avenue, Suite 4, Bangor, ME 04401–2767, (207) 990–9168, *beverly.stone@me.usda.gov.*

Maryland (see Delaware)

Massachusetts/Rhode Island/ Connecticut

Anne Correia, USDA Rural Development, 15 Cranberry Highway, West Wareham, MA 01002, (508) 295–5151, ext. 3, *anne.correia@ma.usda.gov.*

Michigan

Rick Vanderbeek, USDA Rural Development, 3001 Coolidge Road, Suite 200, East Lansing, MI 48823, (517) 324–5157, *rick.vanderbeek@mi.usda.gov.*

Minnesota

Ron Omann, USDA Rural Development, 375 Jackson St., Suite 410, St. Paul, MN 55101, (651) 602–7796, *ron.omann@mn.usda.gov.*

Mississippi

G. Gary Jones, USDA Rural Development, 100 W. Capital Street, Suite 831, Jackson, MS 39269, (601) 965–5457, *george.jones@ms.usda.gov.*

Missouri

Matt Moore, USDA Rural Development, 601 Business Loop 70 West, Parkade Center, Suite 235, Columbia, MO 65203, (573) 876–9321, *matt.moore@mo.usda.gov.*

Montana

Bill Barr, USDA Rural Development, 2229 Boot Hill Court, P.O. Box 850, Bozeman, MT 59771, (406) 585–2545, *bill.barr@mt.usda.gov.*

Nebraska

Debra Yocum, USDA Rural Development, 100 Centennial Mall North, Room 152, Federal Building, Lincoln, NE 68508, (402) 437–5554, *debra.yocum@ne.usda.gov.*

Nevada

Mark Williams, USDA Rural Development, 1390 South Curry Street, Carson City, NV 89703, (775) 887–1222, ext. 116, *mark.williams@nv.usda.gov.*

New Hampshire (See Vermont)

New Jersey

Victoria Fekete, USDA Rural Development, 8000 Midlantic Drive, 5th Floor North, Suite 500, Mt. Laurel, NJ 08054, (856) 787–7752, *victoria.fekete@nj.usda.gov.*

New Mexico

Jesse Monfort Bopp, USDA Rural Development, 6200 Jefferson Street NE., Room 255, Albuquerque, NM 87109, (505) 761–4952, *jesse.bopp@nm.usda.gov.*

New York

Scott Collins, USDA Rural Development, 9025 River Road, Marcy, NY 13403, (315) 736–3316, ext. 4, *scott.collins@ny.usda.gov.*

North Carolina

David Thigpen, USDA Rural Development, 4405 Bland Rd. Suite 260, Raleigh, NC 27609, (919) 873–2065, *david.thigpen@nc.usda.gov.*

North Dakota

Dennis Rodin, USDA Rural Development, Federal Building, Room 208, 220 East Rosser Avenue, P.O. Box 1737, Bismarck, ND 58502–1737, (701) 530–2068, *dennis.rodin@nd.usda.gov.*

Ohio

Randy Monhemius, USDA Rural Development, Federal Building, Room 507, 200 North High Street, Columbus, OH 43215–2418, (614) 255–2424, *randy.monhemius@oh.usda.gov.*

Oklahoma

Jody Harris, USDA Rural Development, 100 USDA, Suite 108, Stillwater, OK 74074–2654, (405) 742–1036, *jody.harris@ok.usda.gov.*

Oregon

Don Hollis, USDA Rural Development, 200 SE Hailey Ave., Suite 105, Pendleton, OR 97801, (541) 278–8049, ext. 129, *don.hollis@or.usda.gov.*

Pennsylvania

Amanda Krugh, USDA Rural Development, 1 Credit Union Place, Suite 330, Harrisburg, PA 17110–2996, (717) 237–2289, *amanda.krugh@pa.usda.gov.*

Puerto Rico

Luis Garcia, USDA Rural Development, IBM Building, 654 Munoz Rivera Avenue, Suite 601, Hato Rey, PR 00918–6106, (787) 766–5091, ext. 251, *luis.garcia@pr.usda.gov.*

Republic of Palau (See Hawaii)

Republic of the Marshall Islands (See Hawaii)

Rhode Island (see Massachusetts)

South Carolina

Shannon Legree, USDA Rural Development, Strom Thurmond Federal Building, 1835 Assembly Street, Room 1007, Columbia, SC 29201, (803) 253–3150, *shannon.legree@sc.usda.gov.*

South Dakota

Darlene Bresson USDA Rural Development, 1720 4th Street NE., Suite 2, Watertown, SD 57201 (605) 886–8202, ext. 120, *darlene.bresson@sd.usda.gov.*

Tennessee

Will Dodson, USDA Rural Development, 3322 West End Avenue, Suite 300, Nashville, TN 37203–1084, (615) 783–1350, *will.dodson@tn.usda.gov.*

Texas

Billy Curb, USDA Rural Development, Federal Building, Suite 102, 101 South Main Street, Temple, TX 76501, (254) 742–9775, *billy.curb@tx.usda.gov.*

Utah

Lori Silva, USDA Rural Development, Wallace F. Bennett Federal Building, 125 South State Street, Room 4311, Salt Lake City, UT 84138, (801) 524–4323, *lori.silva.mathews@ut.usda.gov.*

Vermont/New Hampshire

Cheryl Ducharme, USDA Rural Development, 87 Main Street, Suite 324, P.O. Box 249, Montpelier, VT 05601, (802) 828–6083, *cheryl.ducharme@vt.usda.gov.*

Virginia

Laurette Tucker, USDA Rural Development, Culpeper Building, Suite 238, 1606 Santa Rosa Road, Richmond, VA 23229, (804) 287–1594, *laurette.tucker@va.usda.gov.*

Virgin Islands (see Florida)

Washington

Mary Traxler, USDA Rural Development, 1835 Black Lake Blvd. SW., Suite B, Olympia, WA 98512, (360) 704–7762, *mary.traxler@wa.usda.gov.*

West Virginia

Jesse Gandee, USDA Rural Development, 1550 Earl Core Road, Suite 101, Morgantown, WV 26505–7500, (304) 284–4882, *jesse.gandee@wv.usda.gov.*

Wisconsin

Brenda Heinen, USDA Rural Development, 5417 Clem's Way, Stevens Point, WI 54482, (715) 345–7615, Ext. 139, *brenda.heinen@wi.usda.gov.*

Wyoming

Nancy Veres, USDA Rural Development, Dick Cheney Federal Building, 100 East B Street, Room 1005, P.O. Box 11005, Casper, WY 82602, (307) 233–6710, *nancy.veres@wy.usda.gov.*

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995, the information collection requirements associated with the Advanced Biofuel Payments Program, as covered in this Notice, have been approved by the Office of Management and Budget (OMB) under OMB Control Number 0570–0057.

Overview

Federal Agency Name: Rural Business-Cooperative Service (an agency of the United States Department of Agriculture in the Rural Development mission area).

Contract Proposal Title: Advanced Biofuel Payment Program.

Announcement Type: Annual announcement.

Catalog of Federal Domestic Assistance Number (CFDA): The CFDA number for this Notice is 10.867.

DATES: The Advanced Biofuels Program sign-up period for Fiscal Year 2013 was October 1 to October 31, 2012. In addition, applications received by July 11, 2013, will be considered for Fiscal Year 2013 funds. Producers applying after June 11, 2013 will not be paid for payment requests submitted after the payment request timeframe. Payment requests are required to be submitted in accordance with 7 CFR 4288, Subpart B, section 4288.130(d). The Biofuel Payment Program Annual Application, Form RD 4288–1, must be submitted prior to or with Advanced Biofuel Payment Program—Payment Request, Form RD 4288–3.

Availability of Notice and Rule: This Notice and the interim rule for the Advanced Biofuel Payment Program are available on the USDA Rural Development Web site at *http://www.rurdev.usda.gov/BCP_Biofuels.html*.

I. Funding Opportunity Description

A. *Purpose of the program.* The purpose of this program is to support and ensure an expanding production of advanced biofuels by providing payments to eligible advanced biofuel producers. Implementing this program not only promotes the Agency's mission of promoting sustainable economic development in rural America, but is an important part of achieving the Administration's goals for increased biofuel production and use by providing economic incentives for the production of advanced biofuels.

B. *Statutory authority.* This program is authorized under 7 U.S.C. 8105.

C. *Definition of terms.* The definitions applicable to this Notice are published at 7 CFR 4288.102.

II. Award Information

A. *Available funds.* The Agency is authorizing $98.6 million for this program in Fiscal Year 2013.

B. *Approximate number of awards.* The number of awards will depend on the number of participating advanced biofuel producers.

C. *Range of amounts of each payment.* There is no minimum or maximum payment amount that an individual producer can receive. The amount that each producer receives will depend on the number of eligible advanced biofuel producers participating in the program for Fiscal Year 2013, the amount of advanced biofuels being produced by such advanced biofuel producers, and the amount of funds available.

D. *Contract.* For producers participating in this program for the first time in Fiscal Year 2013, a contract will need to be entered into with the Agency and the contract period will continue indefinitely until terminated as provided for in 7 CFR 4288.121(d). For producers that participated in this program in Fiscal Year 2012, the contract period continues indefinitely until terminated as provided for in 7 CFR 4288.121(d).

E. *Production period.* Payments to participating advanced biofuel producers under this Notice will be made on actual eligible advanced biofuels produced from October 1, 2012, through September 30, 2013.

F. *Type of instrument.* Payment.

III. Eligibility Information

A. *Eligible applicants.* To be eligible for this program, an applicant must meet the eligibility requirements specified in 7 CFR 4288.110.

B. *Biofuel eligibility.* To be eligible for payment, an advanced biofuel must meet the eligibility requirements specified in 7 CFR 4288.111.

C. *Payment eligibility.* To be eligible for program payments, an advanced biofuel producer must maintain the records specified in 7 CFR 4288.113.

IV. Fiscal Year 2013 Application and Submission Information

A. *Address to request applications.* Annual Application, Contract, and Payment Request forms are available from the USDA Rural Development State Office, Rural Development Energy Coordinator. The list of Rural Development Energy Coordinators is provided in the **SUPPLEMENTARY INFORMATION** section of this Notice.

B. *Content and form of submission.* The enrollment provisions, including application content and form of submission, are specified in 7 CFR 4288.120 and 4288.121.

C. *Submission dates and times.*

(1) *Enrollment.* Advanced biofuel producers who expect to produce eligible advanced biofuel at any time during Fiscal Year 2013 must have enrolled in the program by the dates identified in this Notice. Applications received after the identified dates, regardless of their postmark, will not be considered by the Agency for Fiscal Year 2013 funds. Producers who participated in this Program in any previous fiscal year must submit a new application as identified above to be considered for Fiscal Year 2013 funds.

(2) *Payment applications.* Advanced biofuel producers must submit Form RD 4288–3, ''Advanced Biofuel Payment Program—Payment Request,'' for each of the four Federal fiscal quarters of Fiscal Year 2013. Each form must be submitted by 4:30 p.m. on January 31, 2013, for the first quarter; April 30, 2013, for the second quarter; July 31, 2013, for the third quarter; and October 31, 2013, for the fourth quarter. Neither complete nor incomplete payment applications received after such dates and times will be considered, regardless of the postmark on the application. If any of these deadlines falls on a weekend or a

federally-observed holiday, the deadline is the next Federal business day.

D. *Funding restrictions.* For Fiscal Year 2013, not more than 5 percent of the funds will be made available to eligible producers with a refining capacity (as determined for the prior fiscal year) exceeding 150,000,000 gallons of a liquid advanced biofuel per year or exceeding 15,900,000 million British Thermal Units of biogas and solid advanced biofuel per year. (In calculating whether a producer meets either of these capacities, production of all advanced biofuel facilities in which the producer has 50 percent or more ownership will be totaled.) The Agency will provide payments to eligible solid advanced biofuels produced from forest biomass of not more than 5 percent of available program funds in Fiscal Year 2013. The remaining funds will be made available to all other producers.

E. *Payment provisions.* Fiscal Year 2013 payments will be made according to the provisions specified in 7 CFR 4288.130 through 4288.137. Producers applying after June 11, 2013 will not be paid for payment requests submitted after the payment request timeframe. Payment requests are required to be submitted in accordance with 7 CFR 4288, Subpart B, section 4288.130(d). The Biofuel Payment Program Annual Application, Form RD 4288–1, must be submitted prior to or with the Advanced Biofuel Payment Program—Payment Request, Form RD 4288–3.

V. Administration Information

A. *Notice of eligibility.* The provisions of 7 CFR 4288.112 apply to this Notice. These provisions include notifying an applicant determined to be eligible for participation and assigning such applicant a contract number and notifying an applicant determined to be ineligible, including the reason(s) the applicant was rejected and providing such applicant appeal rights as specified in 7 CFR 4288.103.

B. *Administrative and national policy requirements.*

(1) *Review or appeal rights.* A person may seek a review of an adverse agency decision or appeal to the National Appeals Division as provided in 7 CFR 4288.103.

(2) *Compliance with other laws and regulations.* The provisions of 7 CFR 4288.104 apply to this Notice, which includes requiring advanced biofuel producers to be in compliance with other applicable Federal, State, and local laws.

(3) *Oversight and monitoring.* The provisions of 7 CFR 4288.105 apply to this Notice, which includes the right of the Agency to verify all payment applications and subsequent payments and the requirement that each eligible advanced biofuel producer make available at one place at all reasonable times for examination by representatives of USDA, all books, papers, records, contracts, scale tickets, settlement sheets, invoices, written price quotations, and other documents related to the program that are within the control of such advanced biofuel producer for not less than 3 years from each Program payment date.

(4) *Exception authority.* The provisions of 7 CFR 4288.107 apply to this Notice.

(5) *Unauthorized Assistance.* The provision of 7 CFR 4288.135 apply to this Notice.

C. *Environmental review.* Rural Development's compliance with the National Environmental Policy Act of 1969 (NEPA) is implemented in its regulations at 7 CFR part 1940, subpart G. The Agency has reviewed the circumstances under which financial assistance may be provided under this Program and has determined that proposals that do not involve additional facility construction fall within the categorical exclusion from NEPA reviews provided for in 7 CFR 1940.310(c)(1). Applicants whose proposal involves additional facility construction should provide Form RD 1940–20, ''Request for Environmental Information,'' as part of their application. Rural Development will then determine whether the proposal is categorically excluded under 7 CFR 1940.310(c)(1) or whether additional actions are necessary to comply with 7 CFR part 1940, subpart G.

VI. Agency Contacts

For assistance on this payment program, please contact a USDA Rural Development Energy Coordinator, as provided in the **SUPPLEMENTARY INFORMATION** section of this Notice, or Lisa Noty, Energy Division, USDA Rural Development, 255 U.S. Highway 69, Garner, IA 50438. Telephone: (641) 923–3666 extension 109. Fax: (641) 923–3660. Email: *lisa.notymailto:@wdc.usda.gov*.

VII. Nondiscrimination Statement

USDA prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720–2600 (voice and TDD).

To file a complaint of discrimination, write to USDA, Assistant Secretary for Civil Rights, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue SW., Washington, DC 20250–9410 or call toll-free at (866) 632–9992 (English) or (800) 877–8339 (TTD) or (866) 377–8642 (English Federal-relay) or (800) 845–6136 (Spanish Federal-relay). USDA is an equal opportunity provider and employer.

Dated: May 30, 2013.

Lillian E. Salerno,

Acting Administrator, Rural Business-Cooperative Service.

[FR Doc. 2013–13778 Filed 6–10–13; 8:45 am]

BILLING CODE 3410–XY–P

DEPARTMENT OF AGRICULTURE

Rural Business-Cooperative Service

Amendment to Notice of Funding Availability for the Rural Energy for America Program

AGENCY: Rural Business-Cooperative Service, USDA.

ACTION: Notice.

SUMMARY: The Rural Business-Cooperative Service (Agency) published a notice in the **Federal Register** of March 29, 2013, (78 FR 19183) announcing the acceptance of applications for funds available under the Rural Energy for America Program (REAP) for Fiscal Year 2013. The Consolidated and Further Continuing Appropriations Act, 2013, provides additional funding for REAP. This Notice announces the availability of approximately $65.2 million in Fiscal Year 2013 budget authority to fund REAP activities, which will support approximately $31 million in grant program level and approximately $142.3 million in guaranteed loan program level, which includes approximately $13 million of discretionary funding. This Notice also extends the application period to June 14, 2013, for both Fiscal Year 2013 applicants and applicants who submitted Fiscal Year 2012 applications and wish to submit written requests to have their Fiscal Year 2012 applications considered for Fiscal Year 2013 funds.

FOR FURTHER INFORMATION CONTACT: For information about this Notice, please contact Lisa Noty, USDA Rural

Development, Energy Division, 255 U.S. Highway 69, Suite 5, Garner, IA 50438. Telephone: (641) 923–3666 extension 109. Email: *lisa.noty@wdc.usda.gov*.

SUPPLEMENTARY INFORMATION: The Agency is amending the Available Funds paragraph under Award Information section in the Notice of Funding Availability for the Rural Energy for America Program published on March 29, 2013, (78 FR 19183). The Consolidated and Further Continuing Appropriations Act, 2013, has provided additional funding for REAP.

The March 29, 2013, Notice identified up to $20.8 million available to the REAP program, with up to $10.4 million in grant program level and up to $43.4 million in guaranteed loan program level. With the additional funding now available, for Fiscal Year 2013, up to $65.2 million of budget authority is available to the REAP program, an increase of approximately $44.4 million. The REAP grant program level increases approximately $20.6 million, from $10.4 million to up to $31 million, with grant program levels for feasibility studies increasing from $250,000 to up to $350,000 and for grants of $20,000 or less increasing from $4.1 million to up to $12.4 million. The guaranteed loan program level for Fiscal Year 2013 increases approximately $99 million, from $43.4 million to $142.3 million, which includes approximately $13 million in discretionary funds.

To reflect these changes in program level funding, the Agency is amending the funding levels and dollars available for grants and guaranteed loans for renewable energy system (RES) and energy efficiency improvement (EEI) projects and for grants for RES feasibility studies.

The Agency is also amending, for a second time, the application deadline for three sets of applications: (1) Renewable energy system (RES) and energy efficiency improvement (EEI) grants, (2) RES and EEI grant and loan combinations and (3) RES feasibility study grants. The Agency extended the original deadline for these applications from April 30, 2013, to May 31, 2013, in a May 8, 2013, Notice (78 FR 26747). The May 8, 2013, Notice, however, inadvertently did not extend the deadline for these same types of applications for Fiscal Year 2012 applicants who wish to be considered for Fiscal Year 2013 funding.

With this Notice, the Agency is extending the application deadline for the aforementioned grants to compete for Fiscal Year 2013 funds to June 14, 2013. This extension applies to both Fiscal Year 2013 applicants and to Fiscal Year 2012 applicants who wish to submit a written request to have their Fiscal Year 2012 applications considered for Fiscal Year 2013 funds.

The application dates in this Notice supersede those identified in the May 8, 2013, Notice. This Notice makes no other changes to the March 29, 2013, Notice.

The following Summary of Changes apply to the March 29, 2013, Notice.

Summary of Changes

1. In the third column on page 19183, the last sentence in the SUMMARY section is revised to read as follows:

The Notice also announces the availability of up to $65.2 million of Fiscal Year 2013 budget authority to fund these REAP activities, which will support up to $31 million in grant program level and up to $142.3 million in guaranteed loan program level.

2. In the third column on page 19183, the second paragraph under the **DATES** section is revised to read as follows:

For renewable energy system and energy efficiency improvement grant applications and combination grant and guaranteed loan applications, no later than 4:30 p.m. local time June 14, 2013.

3. In the third column on page 19183, the fourth paragraph under the **DATES** section is revised to read as follows:

For renewable energy system feasibility study applications, no later than 4:30 p.m. local time June 14, 2013.

4. In the first column on page 19186, the first sentence of the first paragraph under the Award Information section, Available Funds, is revised to read as follows:

The amount of funds available for renewable energy systems and energy efficiency improvements in Fiscal Year 2013 will be up to $173 million.

5. In the second column on page 19186, the first sentence of the second paragraph under the Award Information section, Available Funds, is revised to read as follows:

The amount of grant funds available for renewable energy system feasibility studies in Fiscal Year 2013 will be up to $350,000.

6. In the second column on page 19186, the first sentence of the third paragraph under the Award Information section, Available Funds, is revised to read as follows:

In order to ensure that small projects have a fair opportunity to compete for the funding and are consistent with the priorities set forth in the statute, the Agency will set-aside up to $12.4 million to fund grants of $20,000 or less.

7. In the first column on page 19189, the first sentence of subparagraph (1)(iv), is revised to read as follows:

Written requests to consider Fiscal Year 2012 applications for Fiscal Year 2013 funds may be submitted at any time during Fiscal Year 2013, up to and including 4:30 p.m. local time on June 14, 2013.

Nondiscrimination Statement

USDA prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720–2600 (voice and TDD).

To file a complaint of discrimination, write to: USDA, Assistant Secretary for Civil Rights, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue SW., Stop 9410, Washington, DC 20250–9410 or call toll-free at (866) 632–9992 (English) or (800) 877–8339 (TDD) or (866) 377–8642 (English Federal-relay) or (800) 845–6136 (Spanish Federal-relay). USDA is an equal opportunity provider and employer.

Dated: June 4, 2013.

Lillian E. Salerno,

Acting Administrator, Rural Business-Cooperative Service.

[FR Doc. 2013–13731 Filed 6–10–13; 8:45 am]

BILLING CODE 3410–XY–P

DEPARTMENT OF AGRICULTURE

Rural Utilities Service

Announcement of Grant Application Deadlines

AGENCY: Rural Utilities Service, USDA.

ACTION: Notice of funds availability and solicitation of applications.

SUMMARY: The United States Department of Agriculture's (USDA) Rural Utilities Service (RUS) announces its Community Connect Grant Program application window for Fiscal Year (FY) 2013. In addition, RUS announces the minimum and maximum amounts for Community Connect grants applicable for the fiscal year. The Community Connect Grant Program regulations can be found at 7 CFR 1739, subpart A.

DATES: You may submit completed applications for grants on paper or

electronically according to the following deadlines:

• Paper copies must carry proof of shipping *no later* than July 11, 2013 to be eligible for FY 2013 grant funding. Late applications are not eligible for FY 2013 grant funding.

• Electronic copies must be received by July 11, 2013 to be eligible for FY 2013 grant funding. Late applications are not eligible for FY 2013 grant funding.

ADDRESSES: You may obtain application guides and materials for the Community Connect Grant Program via the Internet at the following Web site: *http://www.rurdev.usda.gov/utp_commconnect.html*. You may also request application guides and materials from RUS by contacting the appropriate individual listed in section VII of the **SUPPLEMENTARY INFORMATION** section of this notice.

Submit completed paper applications for grants to the Rural Utilities Service, U.S. Department of Agriculture, 1400 Independence Ave., SW., Room 2868, STOP 1599, Washington, DC 20250–1599. Applications should be marked ''Attention: Director, Broadband Division, Rural Utilities Service.''

Submit electronic grant applications at *http://www.grants.gov* (Grants.gov), following the instructions you find on that Web site.

FOR FURTHER INFORMATION CONTACT: Kenneth Kuchno, Director, Broadband Division, Rural Utilities Service, U.S. Department of Agriculture, telephone: (202) 690–4673, fax: (202) 690–4389.

SUPPLEMENTARY INFORMATION:

Overview

Federal Agency: Rural Utilities Service (RUS).

Funding Opportunity Title: Community Connect Grant Program.

Announcement Type: Initial announcement.

Catalog of Federal Domestic Assistance (CFDA) Number: 10.863.

Dates: You may submit completed applications for grants on paper or electronically according to the following deadlines:

• Paper copies must carry proof of shipping no later than July 11, 2013, to be eligible for FY 2013 grant funding. Late applications are not eligible for FY 2013 grant funding.

• Electronic copies must be received by July 11, 2013, to be eligible for FY 2013 grant funding. Late applications are not eligible for FY 2013 grant funding.

Items in Supplementary Information

I. Funding Opportunity: Brief introduction to the Community Connect Grant Program.

II. Award Information: Available funds and minimum and maximum amounts.

III. Eligibility Information: Who is eligible, what kinds of projects are eligible, what criteria determine basic eligibility.

IV. Application and Submission Information: Where to get application materials, what constitutes a completed application, how and where to submit applications, deadlines, items that are eligible.

V. Application Review Information: Considerations and preferences, scoring criteria, review standards, selection information.

VI. Award Administration Information: Award notice information, award recipient reporting requirements.

VII. Agency Contacts: Web, phone, fax, email, contact name.

I. Funding Opportunity

The provision of broadband service is vital to the economic development, education, health, and safety of rural Americans. The purpose of the Community Connect Grant Program is to provide financial assistance in the form of grants to eligible applicants that will provide currently unserved areas, on a ''community-oriented connectivity'' basis, with broadband service that fosters economic growth and delivers enhanced educational, health care, and public safety services. Rural Utilities Service will give priority to rural areas that have the greatest need for broadband services, based on the criteria contained herein.

Grant authority will be used for the deployment of broadband service to extremely rural, lower-income communities on a ''community-oriented connectivity'' basis. The ''community-oriented connectivity'' concept will stimulate practical, everyday uses and applications of broadband facilities by cultivating the deployment of new broadband services that improve economic development and provide enhanced educational and health care opportunities in rural areas. Such an approach will also give rural communities the opportunity to benefit from the advanced technologies that are necessary to achieve these goals. Please see 7 CFR part 1739, subpart A for specifics.

This notice has been formatted to conform to a policy directive issued by the Office of Federal Financial Management (OFFM) of the Office of Management and Budget (OMB), published in the **Federal Register** on June 23, 2003. This Notice does not change the Community Connect Grant Program regulation (7 CFR part 1739, subpart A).

The definitions applicable to this Notice are published at 7 CFR 1739.3.

The Agency will review, evaluate, and score applications received in response to this Notice based on the provisions found in 7 CFR part 1739, subpart A, and as indicated in this notice.

II. Award Information

A. Available Funds

1. *General.* The Acting Administrator has determined that the following amounts are available for grants in FY 2013 under 7 CFR 1739.2(a)

2. Grants

a. $21 million is available for grants from FY 2013 and prior year appropriations. Under 7 CFR 1739.2, the Administrator has established a minimum grant amount of $100,000 and a maximum grant amount of $3,000,000 for FY 2013.

b. Assistance instrument: RUS will execute grant documents appropriate to the project prior to any advance of funds with successful applicants.

B. Community Connect grants cannot be renewed. Award documents specify the term of each award.

III. Eligibility Information

A. Who is eligible for grants? (See 7 CFR 1739.10)

1. Only entities legally organized as one of the following are eligible for Community Connect Grant Program financial assistance:

a. An incorporated organization,

b. An Indian tribe or tribal organization, as defined in *25 U.S.C. 450b(e),*

c. A state or local unit of government,

d. A cooperative, private corporation or limited liability company organized on a for-profit or not-for-profit basis.

2. Individuals are not eligible for Community Connect Grant Program financial assistance directly.

3. Applicants must have the legal capacity and authority to own and operate the broadband facilities as proposed in its application, to enter into contracts and to otherwise comply with applicable federal statutes and regulations.

4. Applicants must have an active registration with current information in the System for Award Management (SAM) (previously the Central Contractor Registry (CCR)) at *https:\\www.sam.gov* and have a Dun and Bradstreet (D&B) Data Universal Numbering System (DUNS) number.

B. What are the basic eligibility requirements for a project?

1. Required matching contributions. Please see 7 CFR 1739.14 for the requirement. Grant applicants must

demonstrate a matching contribution, in cash, of at least fifteen (15) percent of the total amount of financial assistance requested. Matching contributions must be used to support the broadband operations funded under the Community Connect Grant Program.

2. To be eligible for a grant, the Project must (see 7 CFR 1739.11):

a. Serve a Rural Area where Broadband Service does not currently exist, to be verified by RUS prior to the award of the grant;

b. Deploy service at the Broadband Grant Speed, free of all charges for at least 2 years, to all Critical Community Facilities located within the proposed Service Area;

c. Offer service at the Broadband Grant Speed to all residential and business customers within the Proposed Funded Service Area; and

d. Provide a Community Center with at least two (2) Computer Access Points within the Proposed Funded Service Area, and make service at the Broadband Grant Speed available therein, free of all charges to users for at least 2 years.

3. Other requirements.

a. DUNS numbers and SAM registration: Applicants must have Dun and Bradstreet DUNS number and be registered in System Awards Management (SAM) at *https:\\www.sam.gov* prior to submitting an electronic or paper application. The DUNS number and SAM requirements are contained in 2 CFR part 25. SAM is the repository for standard information about applicants and recipients.

b. DUNS Number: As required by the OMB, all applicants for grants must supply a Dun and Bradstreet DUNS number when applying. The Standard Form 424 (SF–424) contains a field for you to use when supplying your DUNS number. Obtaining a DUNS number costs nothing and requires a short telephone call to Dun and Bradstreet. Please see *http://www.grants.gov/applicants/org_step1.jsp* for more information on how to obtain a DUNS number or how to verify your organization's number.

c. System for Award Management (SAM): In accordance with 2 CFR part 25, applicants, whether applying electronically or by paper must be registered in SAM prior to submitting an application. Applicants may register for the SAM at *https://www.sam.gov*. The SAM registration must remain active, with current information, at all times during which an entity has an application under consideration by an agency or has an active Federal Award. To remain registered in the SAM database after the initial registration, the applicant is required to review and update on an annual basis from the date of initial registration or subsequent updates of its information in the SAM database to ensure it is current, accurate and complete.

C. See paragraph IV.B of this notice for a discussion of the items that make up a completed application. You may also refer to 7 CFR 1739.15 for completed grant application items.

IV. Required Definitions for Community Connect Program Regulation

A. *General.* The regulation for the Community Connect Grant Program requires that certain definitions affecting eligibility be revised and published from time to time by the Agency in the **Federal Register**. For the purpose of this regulation, the agency shall use the following definitions:

Broadband Service and Broadband Grant Speed. Until otherwise revised in the **Federal Register**, for applications in FY 2013, to qualify as Broadband Service, the minimum rate of data transmission shall be three megabits per second (download plus upload speeds) for both fixed and mobile service and the Broadband Grant Speed will be a minimum bandwidth of 5 megabits per second (download plus upload speeds) for both fixed and mobile service to the customer.

B. *Where to get application information.* The application guide, copies of necessary forms and samples, and the Community Connect Grant Program regulation are available from these sources:

1. The Internet: *http://www.rurdev.usda.gov/utp_commconnect.html*.

2. The Rural Utilities Service Broadband Division, for paper copies of these materials: (202) 690–4673.

C. What constitutes a completed application?

1. Detailed information on each item required can be found in the Community Connect Grant Program regulation and the Community Connect Grant Program application guide. Applicants are strongly encouraged to read and apply both the regulation and the application guide. This Notice does not change the requirements for a completed application for any form of Community Connect Grant Program financial assistance specified in the Community Connect Grant Program regulation. The Community Connect Grant Program regulation and the application guide provide specific guidance on each of the items listed and the Community Connect Grant Program application guide provides all necessary forms and sample worksheets.

2. Applications should be prepared in conformance with the provisions in 7 CFR part 1739, subpart A, and applicable USDA regulations including 7 CFR parts 3015, 3016, and 3019. Applicants must use the RUS Application Guide for this program containing instructions and all necessary forms, as well as other important information, in preparing their application. Completed applications must include the following:

a. *An Application for Federal Assistance.* A completed Standard Form (SF) 424.

b. *An executive summary of the Project.* The applicant must provide RUS with a general project overview.

c. *Scoring criteria documentation.* Each grant applicant must address and provide documentation on how it meets each of the scoring criteria detailed in 7 CFR 1739.17.

d. *System design.* The applicant must submit a system design, including, narrative specifics of the proposal, associated costs, maps, engineering design studies, technical specifications and system capabilities, etc.

e. *Service area demographics.* The applicant must provide a map of the Proposed Funded Service Area using the RUS Mapping Tool.

f. *Scope of work.* The scope of work must include specific activities and services to be performed under the proposal, who will carry out the activities and services, specific time-frames for completion, and a budget for all capital and administrative expenditures reflecting the line item costs for all grant purposes, the matching contribution, and other sources of funds necessary to complete the project.

g. *Community-Oriented Connectivity Plan.* The applicant must provide a detailed Community-Oriented Connectivity Plan.

h. *Financial information and sustainability.* The applicant must provide financial statements and information and a narrative description demonstrating the sustainability of the Project.

i. *A statement of experience.* The applicant must provide a written narrative describing its demonstrated capability and experience, if any, in operating a broadband telecommunications system.

j. *Evidence of legal authority and existence.* The applicant must provide evidence of its legal existence and authority to enter into a grant agreement with RUS and to perform the activities proposed under the grant application.

k. *Additional Funding.* If the Project requires additional funding from other sources in addition to the RUS grant, the applicant must provide evidence that funding agreements have been obtained to ensure completion of the Project.

l. *Federal Compliance.* The applicant must provide evidence of compliance with other federal statutes and regulations, including, but not limited to the following:

(i) 7 CFR part 15, subpart A—Nondiscrimination in Federally Assisted Programs of the Department of Agriculture—Effectuation of Title VI of the Civil Rights Act of 1964.

(ii) 7 CFR part 3015—Uniform Federal Assistance Regulations.

(iii) 7 CFR part 3017—Governmentwide Debarment and Suspension (Non-procurement).

(iv) 7 CFR part 3018—New Restrictions on Lobbying.

(v) 7 CFR part 3021—Government wide Requirements for Drug-Free Workplace (Financial Assistance).

(vi) Certification regarding Architectural Barriers.

(vii) Certification regarding Flood Hazard Precautions.

(viii) An environmental report/questionnaire, in accordance with 7 CFR 1794.

(ix) A certification that grant funds will not be used to duplicate lines, facilities, or systems providing Broadband Service.

(x) Federal Obligation Certification on Delinquent Debt.

(xi) Assurance Regarding Felony Conviction or Tax Delinquent Status for Corporate Applicants.

D. How many copies of an application are required?

1. Applications submitted on paper: Submit the original paper application and a copy in electronic format to RUS.

2. Applications submitted through Grants.gov: The additional paper copies are not necessary if you submit the application electronically through Grants.gov.

E. *How and where to submit an application.* Grant applications may be submitted on paper or through *Grants.gov.*

1. Submitting applications on paper.

a. Address paper applications for grants to the Rural Utilities Service, U.S. Department of Agriculture, 1400 Independence Ave. SW., Room 2868, STOP 1599, Washington, DC 20250–1599. Applications should be marked ''Attention: Director, Broadband Division, Rural Utilities Service.''

b. Paper applications must show proof of mailing or shipping consisting of one of the following:

(i) A legibly dated U.S. Postal Service (USPS) postmark;

(ii) A legible mail receipt with the date of mailing stamped by the USPS; or

(iii) A dated shipping label, invoice, or receipt from a commercial carrier.

c. Due to screening procedures at the Department of Agriculture, packages arriving via the USPS are irradiated, which can damage the contents. RUS encourages applicants to consider the impact of this procedure in selecting their application delivery method.

2. Applications submitted through Grants.gov.

(a) Applicant may file an electronic application at *http://www.grants.gov.* Applications will not be accepted via facsimile machine transmission or electronic mail. Grants.gov contains full instructions on all required passwords, credentialing, and software. Follow the instructions at Grants.gov for registering and submitting an electronic application. If a system problem or technical difficulty occurs with an electronic application, please use the customer support resources available at the Grants.gov Web site.

(b) First time Grants.gov users should go to the ''Get Started'' tab on the Grants.gov site and carefully read and follow the steps listed. These steps need to be initiated early in the application process to avoid delays in submitting your application online.

F. Deadlines

1. Paper applications must be postmarked and mailed, shipped, or sent overnight no later than July 11, 2013 to be eligible for FY 2013 grant funding. Late applications are not eligible for FY 2013 grant funding.

2. Grant applications submitted through Grants.gov must be received by July 11, 2013 to be eligible for FY 2013 funding. Late applications are not eligible for FY 2013 grant funding.

G. Funding Restrictions

1. *Eligible grant purposes.* Grant funds may be used to finance:

a. The construction, acquisition, or leasing of facilities, including spectrum, land or buildings to deploy service at the Broadband Grant Speed to all participating Critical Community Facilities and all required facilities needed to offer such service to all residential and business customers located within the Proposed Funded Service Area;

b. The improvement, expansion, construction, or acquisition of a Community Center that furnishes free internet access at the Broadband Grant Speed, provided that the Community Center is open and accessible to area residents before, during, and after normal working hours and on Saturday or Sunday. Grant funds provided for such costs shall not exceed the lesser of ten percent (10%) of the grant amount requested or $150,000; and

c. The cost of bandwidth to provide service at the Broadband Grant Speed to Critical Community Facilities for the first 2 years of operation.

2. *Ineligible grant purposes.*

a. Grant funds may not be used to finance the duplication of any existing Broadband Service provided by another entity.

b. Operating expenses other than the cost of bandwidth for two years to provide service at the Broadband Grant Speed to Critical Community Facilities.

3. Please see 7 CFR 1739.3 for definitions, 7 CFR 1739.12 for eligible grant purposes, and 7 CFR 1739.13 for ineligible grant purposes

V. Application Review Information

A. Criteria

1. Grant applications are scored competitively and subject to the criteria listed below.

2. Grant application scoring criteria (total possible points: 100). See 7 CFR 1739.17 for the items that will be reviewed during scoring and for scoring criteria.

a. An analysis of the challenges of the of the following criteria, laid out on a community-wide basis, and how the project proposes to address these issues (up to 50 points): 1. The economic characteristics; 2. Educational Challenges; 3. Health care needs; and 4. Public safety issues.

b. The extent of the Project's planning, development, and support by local residents, institutions, and Critical Community Facilities (up to 40 points);

c. The level of experience and past success of operating broadband systems for the management team (up to 10 points); and

d. In making a final selection among and between applications with comparable rankings and geographic distribution, the Administrator may take into consideration the characteristics of the Proposed Funded Service Area (PFSA)

B. Review standards

1. All applications for grants must be delivered to Rural Utilities Service at the address and by the date specified in this notice (see also 7 CFR 1739.2) to be eligible for funding. Rural Utilities Service will review each application for conformance with the provisions of this part. Rural Utilities Service may contact the applicant for additional information or clarification.

2. Incomplete applications as of the deadline for submission will not be considered. If an application is determined to be incomplete, the applicant will be notified in writing and the application will be returned with no further action.

3. Applications conforming with this part will then be evaluated competitively by a panel of Rural Utilities Service employees selected by the Administrator of Rural Utilities Service, and will be awarded points as described in the scoring criteria in 7 CFR 1739.17. Applications will be ranked and grants awarded in rank order until all grant funds are expended.

C. Selection Process

Grant applications are ranked by final score. Rural Utilities Service selects applications based on those rankings, subject to the availability of funds.

VI. Award Administration Information

A. Award Notices

Rural Utilities Service recognizes that each funded project is unique, and therefore may attach conditions to different projects' award documents. Rural Utilities Service generally notifies applicants whose projects are selected for awards by emailing a scanned copy of an award letter. Rural Utilities Service follows the award letter with a grant agreement that contains all the terms and conditions for the grant. An applicant must execute and return the grant agreement, accompanied by any additional items required by the grant agreement.

B. *Administrative and National Policy Requirements.* The items listed in paragraph IV.C.2.k of this notice, and the Community Connect Grant Program regulation, application guide and accompanying materials implement the appropriate administrative and national policy requirements.

C. Reporting

1. *Performance reporting.* All recipients of Community Connect Grant Program financial assistance must provide annual performance activity reports to RUS until the project is complete and the funds are expended. A final performance report is also required; the final report may serve as the last annual report. The final report must include an evaluation of the success of the project. See 7 CFR 1739.19.

2. *Financial reporting.* All recipients of Community Connect Grant Program financial assistance must provide an annual audit, beginning with the first year a portion of the financial assistance is expended. Audits are governed by United States Department of Agriculture audit regulations. See 7 CFR 1739.20.

3. *Recipient and Subrecipient Reporting.* The applicant must have the necessary processes and systems in place to comply with the reporting requirements for first-tier sub-awards and executive compensation under the Federal Funding Accountability and Transparency Act of 2006 in the event the applicant receives funding unless such applicant is exempt from such reporting requirements pursuant to 2 CFR part 170, § 170.110(b). The reporting requirements under the Transparency Act pursuant to 2 CFR part 170 are as follows:

a. First Tier Sub-Awards of $25,000 or more (unless they are exempt under 2 CFR part 170) must be reported by the Recipient to *http://www.fsrs.gov* no later than the end of the month following the month the obligation was made.

b. The Total Compensation of the Recipient's Executives (5 most highly compensated executives) must be reported by the Recipient (if the Recipient meets the criteria under 2 CFR part 170) to *http://www.sam.gov* by the end of the month following the month in which the award was made.

c. The Total Compensation of the Subrecipient's Executives (5 most highly compensated executives) must be reported by the Subrecipient (if the Subrecipient meets the criteria under 2 CFR part 170) to the Recipient by the end of the month following the month in which the subaward was made.

VII. Agency Contacts

A. Web site: *http://www.usda.gov/rus/commconnect.htm.* This Web site maintains up-to-date resources and contact information for the Community Connect Grant Program.

B. Phone: 202–690–4673

C. Fax: 202–690–4389

D. Main point of contact: Kenneth Kuchno, Director, Broadband Division, Rural Utilities Service, U.S. Department of Agriculture.

Dated: June 6, 2013.

John Charles Padalino,

Acting Administrator, Rural Utilities Service.

[FR Doc. 2013–13827 Filed 6–10–13; 8:45 am]

BILLING CODE 3410–15–P

DEPARTMENT OF COMMERCE

Economic Development Administration

Notice of Petitions by Firms for Determination of Eligibility to Apply for Trade Adjustment Assistance

AGENCY: Economic Development Administration, Department of Commerce.

ACTION: Notice and Opportunity for Public Comment.

Pursuant to Section 251 of the Trade Act 1974, as amended (19 U.S.C. 2341 et seq.), the Economic Development Administration (EDA) has received petitions for certification of eligibility to apply for Trade Adjustment Assistance from the firms listed below. Accordingly, EDA has initiated investigations to determine whether increased imports into the United States of articles like or directly competitive with those produced by each of these firms contributed importantly to the total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of each petitioning firm.

LIST OF PETITIONS RECEIVED BY EDA FOR CERTIFICATION ELIGIBILITY TO APPLY FOR TRADE ADJUSTMENT ASSISTANCE

[5/30/2013 through 6/5/2013]

Firm name	Firm address	Date accepted for investigation	Product(s)
Folbot Holdings, LLC	4209 Pace Street, Charleston, SC 29405.	5/29/2013	The firm manufactures foldable, skin on frame kayaks. Manufacturing materials include aluminum and fabric.
Frontier Metal Stamping, Inc	3764 Puritan Way, Frederick, CO 80516.	5/31/2013	The firm produces stamped metal parts.
RD Industries, Inc	7417 N 101st St, Omaha, NE 68122.	6/4/2013	The firm produces plastic chemical dispensing and containment products.
Bodypoint, Inc	558 First Ave South, Suite 300, Seattle, WA 98104.	6/4/2013	The firm manufactures wheelchair seating and positioning systems.

Any party having a substantial interest in these proceedings may request a public hearing on the matter. A written request for a hearing must be submitted to the Trade Adjustment Assistance for Firms Division, Room 71030, Economic Development Administration, U.S. Department of Commerce, Washington, DC 20230, no later than ten (10) calendar days following publication of this notice.

Please follow the requirements set forth in EDA's regulations at 13 CFR 315.9 for procedures to request a public hearing. The Catalog of Federal Domestic Assistance official number and title for the program under which these petitions are submitted is 11.313, Trade Adjustment Assistance for Firms.

Dated: June 5, 2013.

Michael DeVillo,

Eligibility Examiner.

[FR Doc. 2013–13766 Filed 6–10–13; 8:45 am]

BILLING CODE 3510–WH–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[S–87–2013]

Foreign-Trade Zone 262—Southaven, Mississippi; Application for Subzone; Milwaukee Electric Tool Corporation; Olive Branch, Greenwood and Jackson, Mississippi

An application has been submitted to the Foreign-Trade Zones (FTZ) Board by Northern Mississippi FTZ, Inc., grantee of FTZ 262, requesting special-purpose subzone status for the facilities of Milwaukee Electric Tool Corporation (METCO) located in Olive Branch, Greenwood and Jackson, Mississippi. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the FTZ Board (15 CFR part 400). It was formally docketed on June 5, 2013.

The proposed subzone would consist of the following sites: *Site 1* (39 acres)—Olive Branch Distribution/Kitting Facility, 12385 Crossroads Drive, Olive Branch (DeSoto County); *Site 2* (16 acres)—Greenwood Manufacturing Facility, 1003 Sycamore Street, Greenwood (Leflore County); and, *Site 3* (12 acres)—Jackson Manufacturing Facility, 4355 Milwaukee Street, Jackson (Hinds County). A notification of proposed production activity has been docketed (B–22–2013). The proposed subzone would be subject to the existing activation limit of FTZ 262.

In accordance with the FTZ Board's regulations, Camille Evans of the FTZ Staff is designated examiner to review the application and make recommendations to the Executive Secretary.

Public comment is invited from interested parties. Submissions shall be addressed to the FTZ Board's Executive Secretary at the address below. The closing period for their receipt is July 22, 2013. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to August 5, 2013.

A copy of the application will be available for public inspection at the Office of the Executive Secretary, Foreign-Trade Zones Board, Room 21013, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230–0002, and in the ''Reading Room'' section of the FTZ Board's Web site, which is accessible via *www.trade.gov/ftz.*

For further information, contact Camille Evans at *Camille.Evans@trade.gov* or (202) 482–2350.

Dated: June 5, 2013.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2013–13868 Filed 6–10–13; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–967; C–570–968]

Aluminum Extrusions From the People's Republic of China: Notice of Court Decision Not in Harmony With Final Scope Ruling and Notice of Amended Final Scope Ruling Pursuant to Court Decision

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: On May 23, 2013, the United States Court of International Trade (CIT) sustained the Department of Commerce's (the Department's) final results of remand redetermination in which it determined that certain drapery rail kits are outside of the scope of the antidumping (AD) and countervailing duty (CVD) orders on aluminum extrusions,[1] pursuant to the CIT's remand order in *The Rowley Company* v. *United States Court No. 12–00055* (Ct. Int'l Trade November 30, 2012) (*Remand Order*). *See* Final Results of Redetermination Pursuant to Court Remand *Rowley Company* v. *United States* Court No. 12–00055 (February 27, 2013) (Remand Results). Consistent with the decision of the United States Court of Appeals for the Federal Circuit (Federal Circuit) in *Timken Co.* v. *United States,* 893 F.2d 337 (Fed. Cir. 1990) (*Timken*), as clarified by *Diamond Sawblades Mfrs. Coalition* v. *United States,* 626 F.3d 1374 (Fed. Cir. 2010) (*Diamond Sawblades*), the Department is notifying the public that the final judgment in this case is not in harmony with the Department's Final Scope Ruling on Drapery Rail Kits [2] and is amending its final scope ruling.

DATES: *Effective Date:* June 3, 2013.

FOR FURTHER INFORMATION CONTACT: James Terpstra, AD/CVD Operations, Office 8, Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC, 20230; telephone (202) 482–3965.

SUPPLEMENTARY INFORMATION

Background

On November 16, 2011, the Rowley Company (Rowley) submitted a scope request claiming that certain drapery rail kits which it imports are outside the scope of the *Orders.* The Department issued its Final Scope Ruling on Drapery Rail Kits on February 3, 2012; in that ruling, the Department determined that certain drapery rail kits are within the scope of the *Orders.*

On August 10, 2012, Rowley filed its brief with the Court. On October 19, 2012, the Department asked the Court to grant it a voluntary remand that would allow it to re-examine the determination it reached in its Final Scope Ruling on Drapery Rail Kits. On November 30, 2012, the Court granted the Department's request for a voluntary remand. In the Remand Results, we found that the drapery rail kits described in the Scope Request constituted ''finished goods kits'' as described in the scope of the *Orders,* and, thus, fall outside the scope. The Department found that the drapery rail kits are designed to incorporate readily interchangeable drapes or curtains that can change with users' needs and are intended to be customizable. On May 23, 2013, the CIT sustained the Department's Remand Results.[3]

[1] *See Aluminum Extrusions from the People's Republic of China: Antidumping Duty Order,* 76 FR 30650 (May 26, 2011) and *Aluminum Extrusions from the People's Republic of China: Countervailing Duty Order,* 76 FR 30653 (May 26, 2011) (*Orders*).

[2] *See* Memorandum to Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, ''Final Scope Ruling on Drapery Rail Kits'' (February 3, 2012) (Final Scope Ruling on Drapery Rail Kits).

[3] *See Remand Order.*

Timken Notice

In its decision in *Timken,* 893 F.2d at 341, as clarified by *Diamond Sawblades,* the CAFC held that, pursuant to section 516A(e) of the Tariff Act of 1930, as amended (the Act), the Department must publish a notice of a court decision that is not ''in harmony'' with a Department determination and must suspend liquidation of entries pending a ''conclusive'' court decision. The CIT's May 23, 2013, judgment in this case constitutes a final decision of that court that is not in harmony with the Department's Final Scope Ruling on Drapery Rail Kits. This notice is published in fulfillment of the publication requirements of *Timken.*

Amended Final Scope Ruling

Because there is now a final court decision with respect to this case, the Department amends its final scope ruling and now finds that the scope of the *Orders* does not include Rowley's drapery rail kits. The Department will instruct U.S. Customs and Border Protection (CBP) that the cash deposit rate will be zero percent. In the event the CIT's ruling is not appealed or, if appealed, upheld by the Federal Circuit, the Department will instruct CBP to liquidate entries of Rowley's drapery rail kits without regard to antidumping and/or countervailing duties, and to lift suspension of liquidation of such entries.

This notice is issued and published in accordance with section 516A(c)(1) of the Act.

Dated: June 5, 2013.

Paul Piquado,

Assistant Secretary for Import Administration.

[FR Doc. 2013–13875 Filed 6–10–13; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–601]

Tapered Roller Bearings and Parts Thereof, Finished and Unfinished From the People's Republic of China: Rescission, in Part, of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

DATES: *Effective Date:* June 11, 2013.

FOR FURTHER INFORMATION CONTACT: Blaine Wiltse, AD/CVD Operations, Office 2, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–6345.

Background

On June 1, 2012, the Department of Commerce (the Department) published a notice of opportunity to request an administrative review of the antidumping duty order on tapered roller bearings and parts thereof, finished and unfinished (TRBs) from the People's Republic of China (PRC) covering the period June 1, 2011, through May 31, 2012.[1] The Department received a timely request for an antidumping duty administrative review from the petitioner, The Timken Company, for the following companies: (1) Changshan Peer Bearing Company (CPZ/SKF); (2) Ningbo General Bearing Co., Ltd. (NGBC); and (3) Shanghai General Bearing—Ningbo Plant (SGBN). The Department also received timely requests for an antidumping duty administrative review from the following interested parties as defined by section 771(9)(A) of the Tariff Act of 1930, as amended (the Act): (1) CPZ/SKF; (2) Dana Heavy Axle S.A. de C.V. (Dana Heavy Axle); (3) Xinchang Kaiyuan Automotive Bearing Co., Ltd. (Kaiyuan); (4) Zhejiang Sihe Machine Co., Ltd. (Sihe); and (5) Zhejiang Zhaofeng Mechanical and Electronic Co., Ltd. (Zhaofeng). Finally, the Department also received a timely request for an antidumping duty administrative review from the interested party, as defined by section 771(9)(A) of the Act, as amended, Dana Off Highway Products, LLC, for the company Timken de Mexico S.A. de C.V. (Timken Mexico). On July 31, 2012, the Department published a notice of initiation [2] of administrative review with respect to these eight companies.[3]

In September 2012, we received comments [4] from Shanghai General Bearing Co., Ltd. (SGBC), a PRC producer/exporter revoked from the antidumping duty order on TRBs,[5] requesting that the Department rescind the review with respect to SGB because it was simply a division of SGBC (and thus entitled to SGBC's revocation). In this same month, the petitioner requested that the Department conduct a successor-in-interest analysis to determine if SGBN is in fact entitled to SGBC's revocation because the petitioner claimed that there existed questions regarding when and how SGBN came into existence.

In October 2012, we received arguments from SGBC and the petitioner as to the appropriate disposition of the review for SGB and SGBN. Also in October 2012, Kaiyuan withdrew its request for an administrative review.

On March 25, 2013, we notified parties of our intent to rescind the review for SGB/SGBN and provided parties an opportunity to comment on this preliminary rescission.[6] In April 2013, we received comments from the petitioner and SGBC.

Rescission, In Part

Pursuant to 19 CFR 351.213(d)(1), the Secretary will rescind an administrative review, in whole or in part, if a party that requested the review withdraws the request within 90 days of the date of publication of notice of initiation of the requested review. Kaiyuan's request was submitted within the 90-day period and, thus, is timely. Because Kaiyuan previously established its entitlement to a separate rate that was in effect at the initiation of this administrative review, Kaiyuan's withdrawal of request for an antidumping duty administrative review was timely, and no other party requested a review of this company, we are rescinding this administrative review with respect to Kaiyuan.

Regarding SGB, in 1997, the Department revoked the antidumping duty order on TRBs from the PRC with respect to merchandise produced and exported by SGBC. *See SGBC Revocation FR.* After receiving and analyzing extensive comments from the

[1] *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review,* 77 FR 32528 (June 1, 2012).

[2] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews and Request for Revocation in Part,* 77 FR 45338, 45340 (July 31, 2012) (*Initiation Notice*).

[3] The Department conducts reviews of producers/exporters, not factories of producers/exporters in isolation. *See* 19 CFR 351.213(b)(1). Therefore, we initiated a review on Shanghai General Bearing (SGB), the entity which we believed to be SGBN's parent company. *See Initiation Notice,* 77 FR at 45340.

[4] For a full discussion of parties' comments on the question of SGBN, see the ''Decision Memorandum for the Rescission, in Part, of Antidumping Duty Administrative Review of Tapered Roller Bearings and Parts Thereof, Finished and Unfinished from the People's Republic of China,'' (SGBC Final Rescission Memo) from The Team, to Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, dated concurrently with this notice.

[5] *See Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, From the People's Republic of China; Final Results of Antidumping Duty Administrative Review and Revocation in Part of Antidumping Duty Order,* 62 FR 6189, 6214 (Feb. 11, 1997) (*SGBC Revocation FR*).

[6] *See* the memorandum to James Maeder, Director, Office 2, AD/CVD Operations, from Blaine Wiltse, Senior Analyst, Office 2, AD/CVD Operations, entitled, ''2011–2012 Administrative Review of Tapered Roller Bearings and Parts Thereof, Finished and Unfinished from the People's Republic of China: Intent to Rescind Administrative Review,'' dated March 25, 2013, at 3.

petitioner and SGBC, we find that SGBN is merely a factory established and owned by SGBC and, accordingly, there is no basis to conduct a review for SGBN.[7] Therefore, the Department is also rescinding this administrative review with respect to SGB.

We are not rescinding the review for CPZ/SKF, Dana Heavy Axle, NGBC, Sihe, Timken Mexico, or Zhaofeng.

Assessment

The Department will instruct U.S. Customs and Border Protection (CBP) to assess antidumping duties on all appropriate entries. For the companies for which this review is rescinded, antidumping duties shall be assessed at rates equal to the cash deposit of estimated antidumping duties required at the time of entry, or withdrawal from warehouse, for consumption, in accordance with 19 CFR 351.212(c)(1)(i). The Department intends to issue appropriate assessment instructions to CBP 15 days after publication of this notice.

Notification to Importers

This notice serves as a reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties. *See* 19 CFR 351.402(f)(3).

Notification Regarding Administrative Protective Orders

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305, which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

This notice is issued and published in accordance with section 777(i)(1) of the Tariff Act of 1930, as amended, and 19 CFR 351.213(d)(4).

[7] *See* SGBC Final Rescission Memo, at 4.

Dated: June 5, 2013.

Christian Marsh,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2013–13870 Filed 6–10–13; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–967]

Aluminum Extrusions From the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review and Rescission, in Part, 2010/12

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (''the Department'') is conducting an administrative review of the antidumping duty order on aluminum extrusions from the People's Republic of China (''PRC'').[1] The period of review (''POR'') is November 12, 2010, through April 30, 2012. The review covers two exporters of subject merchandise who are mandatory respondents: Kromet International, Inc. (''Kromet''); and a single entity comprised of Guang Ya Aluminum Industrial Co., Ltd. (''Guang Ya''), Foshan Guangcheng Aluminum Co., Ltd. (''Guangcheng'') (collectively ''Guang Ya Group''); Guangdong Zhongya Aluminum Co., Ltd., (''Zhongya''); and Foshan Nanhai Xinya (''Xinya'') (collectively ''Guang Ya Group/Zhongya/Xinya''). The Department preliminarily finds that Kromet did not make sales of subject merchandise at less than normal value and that Guang Ya Group/New Zhongya/Xinya failed to demonstrate that it was eligible for a separate rate and thus is part of the PRC-wide entity. Furthermore, the Department received separate rate applications from 33 additional exporters, of which only four have been preliminarily found to be eligible for a separate rate: Gold Mountain International Development Limited; Shenzhen Jiuyuan Co., Ltd.; Sincere Profit Limited; and Skyline Exhibit Systems (Shanghai) Co., Ltd.

DATES: *Effective Date:* June 11, 2013.

FOR FURTHER INFORMATION CONTACT: Paul Stolz or Demitrios Kalogeropoulos, AD/CVD Operations, Office 8, Import Administration, International Trade Administration, Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–4474 or (202) 482–2623, respectively.

SUPPLEMENTARY INFORMATION:

Scope of the Order

The merchandise covered by the *Order*[2] is aluminum extrusions which are shapes and forms, produced by an extrusion process, made from aluminum alloys having metallic elements corresponding to the alloy series designations published by The Aluminum Association commencing with the numbers 1, 3, and 6 (or proprietary equivalents or other certifying body equivalents).[3]

Imports of the subject merchandise are provided for under the following categories of the Harmonized Tariff Schedule of the United States (''HTSUS''): 7610.10.00, 7610.90.00, 7615.10.30, 7615.10.71, 7615.10.91, 7615.19.10, 7615.19.30, 7615.19.50, 7615.19.70, 7615.19.90, 7615.20.00, 7616.99.10, 7616.99.50, 8479.89.98, 8479.90.94, 8513.90.20, 9403.10.00, 9403.20.00, 7604.21.00.00, 7604.29.10.00, 7604.29.30.10, 7604.29.30.50, 7604.29.50.30, 7604.29.50.60, 7608.20.00.30, 7608.20.00.90, 8302.10.30.00, 8302.10.60.30, 8302.10.60.60, 8302.10.60.90, 8302.20.00.00, 8302.30.30.10, 8302.30.30.60, 8302.41.30.00, 8302.41.60.15, 8302.41.60.45, 8302.41.60.50, 8302.41.60.80, 8302.42.30.10, 8302.42.30.15, 8302.42.30.65, 8302.49.60.35, 8302.49.60.45, 8302.49.60.55, 8302.49.60.85, 8302.50.00.00, 8302.60.90.00, 8305.10.00.50, 8306.30.00.00, 8418.99.80.05, 8418.99.80.50, 8418.99.80.60, 8419.90.10.00, 8422.90.06.40, 8479.90.85.00, 8486.90.00.00, 8487.90.00.80, 8503.00.95.20, 8516.90.50.00, 8516.90.80.50, 8708.80.65.90, 9401.90.50.81, 9403.90.10.40, 9403.90.10.50, 9403.90.10.85, 9403.90.25.40, 9403.90.25.80, 9403.90.40.05, 9403.90.40.10, 9403.90.40.60, 9403.90.50.05, 9403.90.50.10, 9403.90.50.80, 9403.90.60.05, 9403.90.60.10,

[1] The Department initiated this review on July 10, 2012. *See Initiation of Antidumping and Countervailing Duty Administrative Reviews and Request for Revocation in Part,* 77 FR 40565 (July 10, 2012) (''*Initiation Notice*'').

[2] *See Aluminum Extrusions from the People's Republic of China: Antidumping Duty Order,* 76 FR 30650 (May 26, 2011) (''*Order*'').

[3] *See* ''Decision Memorandum for Preliminary Results Antidumping Duty Administrative Review: Aluminum Extrusions from the People's Republic of China,'' from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations to Paul Piquado, Assistant Secretary for Import Administration, dated concurrently with this notice (''Preliminary Decision Memorandum'') for a complete description of the scope of the *Order.*

9403.90.60.80, 9403.90.70.05, 9403.90.70.10, 9403.90.70.80, 9403.90.80.10, 9403.90.80.15, 9403.90.80.20, 9403.90.80.30, 9403.90.80.41, 9403.90.80.51, 9403.90.80.61, 9506.51.40.00, 9506.51.60.00, 9506.59.40.40, 9506.70.20.90, 9506.91.00.10, 9506.91.00.20, 9506.91.00.30, 9506.99.05.10, 9506.99.05.20, 9506.99.05.30, 9506.99.15.00, 9506.99.20.00, 9506.99.25.80, 9506.99.28.00, 9506.99.55.00, 9506.99.60.80, 9507.30.20.00, 9507.30.40.00, 9507.30.60.00, 9507.90.60.00, and 9603.90.80.50.

The subject merchandise entered as parts of other aluminum products may be classifiable under the following additional Chapter 76 subheadings: 7610.10, 7610.90, 7615.19, 7615.20, and 7616.99 as well as under other HTSUS chapters. In addition, fin evaporator coils may be classifiable under HTSUS numbers: 8418.99.80.50 and 8418.99.80.60. While HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this *Order* is dispositive.[4]

Partial Rescission of Review

For those companies named in the *Initiation Notice* for which all review requests have been timely withdrawn and which previously received separate rate status in a completed prior segment of this proceeding, we are rescinding this administrative review, in accordance with 19 CFR 351.213(d)(1). These companies are Alnan Aluminium Co., Ltd., Changshu Changsheng Aluminum Products Co., Ltd., Pingguo Asia Aluminum Co., Ltd., and Taishan City Kam Kiu Aluminum Extrusion Co., Ltd.

For those companies named in the *Initiation Notice* for which all review requests have been withdrawn, but which have not previously received separate rate status, the Department's practice is to refrain from rescinding the review with respect to these companies at this time. While the requests for review of these companies were timely withdrawn, the companies remain a part of the PRC-wide entity.[5] The PRC-wide entity is under review for these preliminary results. Thus, we are not rescinding this review with respect to these companies at this time, but the Department will make a determination with respect to the PRC-wide entity at the conclusion of this review.

Methodology

The Department has conducted this review in accordance with section 751(a)(1)(B) of the Tariff Act of 1930, as amended (''the Act''). Export and constructed export prices have been calculated in accordance with sections 772(a) and (b) of the Act. Because the PRC is a non-market economy (''NME'') within the meaning of section 771(18) of the Act, normal value has been calculated in accordance with section 773(c) of the Act. Specifically, the respondent's factors of production have been valued using, when possible, the Philippines as the surrogate country. The Philippines is a market economy country that is economically comparable to the PRC and is a significant producer of comparable merchandise.[6] To determine the appropriate comparison method, the Department applied a ''differential pricing'' analysis and has preliminarily determined to use the average-to average method in making comparisons of export price and constructed export price to normal value for Kromet.

For a full description of the methodology underlying our preliminary results, please see the Preliminary Decision Memorandum hereby adopted by this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Import Administration's Antidumping and Countervailing Duty Centralized Electronic Service System (''IA ACCESS''). IA ACCESS is available to registered users at *http://iaaccess.trade.gov,* and is available to all parties in the Central Records Unit, Room 7046 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly on the Internet at *http://www.trade.gov/ia/.* The signed Preliminary Decision Memorandum and the electronic versions of the Preliminary Decision Memorandum are identical in content.

Separate Rates

In the *Initiation Notice,* we informed parties of the opportunity to request a separate rate. In proceedings involving NME countries, the Department begins with a rebuttable presumption that all companies within the NME country are subject to government control and, thus, should be assigned a single weighted-average dumping margin. It is the Department's policy to assign all exporters of merchandise subject to an administrative review involving an NME country this single rate unless an exporter can demonstrate that it is sufficiently independent so as to be entitled to a separate rate. Companies that wanted to be considered for a separate rate in this review were required to timely file a separate rate application (''SRA'') or a separate rate certification to demonstrate eligibility for a separate rate. Separate rate applications and separate rate certifications were due to the Department within 60 calendar days of the publication of the *Initiation Notice.*

In this review, ten exporters for which a review was requested did not submit separate-rate information to rebut the presumption that, like all companies within the PRC, they are subject to government control.[7] As further discussed in the Preliminarily Decision Memorandum, we determine that these entities have not demonstrated that they operate free from government control. Thus, we preliminary determine that they part of the PRC-wide entity.

Twenty-seven separate-rate applicants still under review submitted a SRA that did not demonstrate a sale/entry of subject merchandise during the POR by means of a U.S. Customs and Border Protection (''CBP'') entry summary form (CBP Form 7501) showing a suspended AD/CVD entry.[8] On May 14, 2013, the

[4] *See Order.*

[5] These companies are: (1) Clear Sky Inc. (2) Foshan City Nanhai Hongjia Aluminum Alloy Co., Ltd.; (3) Guangdong Nanhai Foodstuffs Imp. & Exp. Co., Ltd.; (4) Isource Asia Limited and affiliates; (5) Kunshan Giant Light Metal Technology Co., Ltd.; (6) Midea Air-Conditioning Equipment Co., Ltd.; (7) Nidec Sankyo Singapore Pte. Ltd.; (8) Nidec Sankyo (Zhejang) Corporation; (9) Ningbo Coaster International Co., Ltd.; (10) Shanghai Dongsheng Metal; (11) Shanghai Shen Hang Imp. & Exp. Co., Ltd.; (12) Sihui Shi Guo Yao Aluminum Co., Ltd.; (13) Suzhou JRP Import & Export Co., Ltd.; (14) Shandong Huasheng Pesticide Machinery Co.; (15) Tianjin Gangly Nonferrous Metal Materials Co., Ltd.

[6] *See* Memorandum to Eugene Degnan, ''Request for a List of Surrogate Countries for an Administrative Review of the Antidumping Duty Order on Aluminum Extrusions from the People's Republic of China, dated January 25, 2013 (''Surrogate Country Memorandum'').

[7] These companies are: (1) Activa International Incorporated; (2) Changzhou Changfa Power Machinery Co., Ltd.; (3) Foshan Shunde Aoneng Electrical Applicances Co., Ltd. (4) Foshan Yong Li Jian Alu. Ltd. (5) Guangzhou Mingcan Die-Casting Hardware Products Co., Ltd.; (6) Jiaxing Taixin Metal Products Co., Ltd.; (7) North China Aluminum Co., Ltd. (8) Metaltek Metal Industry Ltd.; (9) Zhejuang Zhengte Group Co., Ltd.; and (10) Zhuhai Runxingtai Electrical Equipment Co., Ltd.

[8] These 27 companies are: (1) Acro Import and Export Corp.; (2) Allied Maker Limited; (3) Changzhou Changzheng Evaporator Co., Ltd.; (4) Changzhou Tenglong Auto Parts Co., Ltd.; (5) Dongguan Aoda Aluminum Co., Ltd.; (6) Dongguan Golden Tiger Hardware Industrial Co., Ltd.; (7) Dynamic Technologies China Ltd.; (8) Global PMX (Dongguan) Co., Ltd.; (8) Gree Electric Appliances, Inc. of Zhuhai; (10) Guangdong Whirlpool Electrical Appliances Co., Ltd.; (11) Hangzhou Xingyi Metal Products Co., Ltd.; (12) Hanyung Alcobis Co., Ltd.; (13) Henan New Kelong Electrical Appliances Co., Ltd.; (14) IDEX Dinglee Technology (Tianjin) Co., Ltd.; (15) Jiangsu Changfa Refrigeration Co., Ltd.;

Continued

Department issued a supplemental questionnaire to these 27 separate rate applicants and requested an explanation as to why their respective SRAs did not pertain to a suspended AD/CVD entry, and requested that the separate-rate applicants submit documentation for the first sale of suspended subject merchandise made during the POR.[9] Therefore, for these preliminary results, the Department is not able to make a determination whether these companies are eligible for a separate rate, or had reviewable entries of subject merchandise. However, we will analyze the responses from these companies to our May 14, 2013, supplemental questionnaire and will continue to consider this issue for the final results.

Preliminary Results of Review

The Department preliminarily determines that the following weighted-average dumping margins exist for the POR:

Exporter	Weighted-average dumping margin (percent)
Kromet International, Inc	0.00
Sincere Profit Limited	32.79
Skyline Exhibit Systems (Shanghai) Co., Ltd	32.79
Gold Mountain International	32.79
Shenzhen Jiuyuan Co., Ltd ..	32.79
PRC-wide Entity[10]	32.79

Disclosure and Public Comment

The Department intends to disclose to the parties the calculations performed for these preliminary results within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b). Interested parties may submit case briefs no later than 30 days after the date of publication of these preliminary results of review.[11] Rebuttal briefs, limited to issues raised in the case briefs, may be filed no later than five days after the case briefs are filed.[12]

Any interested party may request a hearing within 30 days of publication of this notice.[13] Hearing requests should contain the following information: (1) The party's name, address, and telephone number; (2) the number of participants; and (3) a list of the issues to be discussed. Oral presentations will be limited to issues raised in the case and rebuttal briefs. If a request for a hearing is made, parties will be notified of the time and date for the hearing to be held at the U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230.[14]

Unless otherwise extended, the Department intends to issue the final results of this administrative review, which will include the results of its analysis of issues raised in the case and rebuttal briefs, within 120 days of publication of these preliminary results, pursuant to section 751(a)(3)(A) of the Act.

Deadline for Submission of Publicly Available Surrogate Value Information

In accordance with 19 CFR 351.301(c)(3)(ii) (2012), the deadline for submission of publicly available information to value factors of production under 19 CFR 351.408(c) is 20 days after the date of publication of the preliminary results. In accordance with 19 CFR 351.301(c)(1) (2012), if an interested party submits factual information less than ten days before, on, or after (if the Department has extended the deadline), the applicable deadline for submission of such factual information, an interested party may submit factual information to rebut, clarify, or correct the factual information no later than ten days after such factual information is served on the interested party. However, the Department generally will not accept in the rebuttal submission additional or alternative surrogate value information not previously on the record, if the deadline for submission of surrogate value information has passed.[15] Furthermore, the Department generally will not accept business proprietary information in either the surrogate value submissions or the rebuttals thereto, as the regulation regarding the submission of surrogate values allows only for the submission of publicly available information.[16]

Assessment Rates

Upon issuance of the final results of this review, the Department will determine, and CBP shall assess, antidumping duties on all appropriate entries covered by this review.[17] The Department intends to issue appropriate assessment instructions to CBP 15 days after publication of the final results of this review.

For each individually examined respondent whose weighted-average dumping margin is not zero or *de minimis* (*i.e.,* less than 0.5 percent), we will calculate importer-specific *ad valorem* duty assessment rates based on the ratio of the total amount of dumping calculated for the importer's examined sales to the total entered value of those same sales in accordance with 19 CFR 351.212(b)(1).[18] For duty assessment rates calculated on this basis, we will direct CBP to assess the resulting *ad valorem* rate against the entered customs values for the subject merchandise. If the weighted-average dumping margin for the exporter is zero or *de minimis,* or the importer-specific assessment rate is zero or *de minimis,* then the Department will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.

The Department recently announced a refinement to its assessment practice in NME cases. Pursuant to this refinement in practice, for entries that were not reported in the U.S. sales databases submitted by companies individually examined during this review, the Department will instruct CBP to liquidate such entries at the PRC-wide

(16) Jiaxing Jackson Travel Products Co., Ltd.; (17) Justhere Co., Limited; (18) Metaltek Group Co., Ltd.; (19) Midea International Trading Co., Ltd.; (20) Shanghai Tongtai Precise Aluminum Alloy Manufacturing Co., Ltd; (21) Shenzhen Hudson Technology Development Co., Ltd.; (22) Suzhou New Hongji Precision Part Co., Ltd.; (23) Taizhou Lifeng Manufacturing Corp.; (24) Tianjin Jinmao Import & Export Corp., Ltd. (25) Union Industry (Asia) Co., Limited; (26) Xin Wei Aluminum Company Limited, Guang Dong Xin Wei Aluminum Products Co., Ltd., and Xin Wei Aluminum Co., Ltd.; and (27) Zhejiang Xinlong Industry Co., Ltd.

[9] *See* the Department's letter ''Aluminum Extrusions from the People's Republic of China: Supplemental Questionnaire—Separate Rate Application,'' dated May 14, 2013.

[10] The PRC-wide entity includes: (1) Guang Ya Group/Zhongya/Xinya; (2) Foshan City Nanhai Hongjia Aluminum Alloy Co., Ltd.; (3) Foshan Shunde Aoneng Electrical Appliances Co., Ltd.; (4) Guangdong Nanhai Foodstuffs Imp. & Exp. Co., Ltd.; (5) Isource Asia Limited and affiliates; (6) Kunshan Giant Light Metal Technology Co., Ltd.; (7) Midea Air-Conditioning Equipment Co., Ltd.; (8) Nidec Sankyo Singapore Pte. Ltd.; (9) Nidec Sankyo (Zhejang) Corporation; (10) Ningbo Coaster International Co., Ltd.; (11) Shanghai Dongsheng Metal; (12) Shanghai Shen Hang Imp. & Exp. Co., Ltd.; (13) Sihui Shi Guo Yao Aluminum Co., Ltd.; (14) Suzhou JRP Import & Export Co., Ltd.; (15) Tianjin Gangly Nonferrous Metal Materials Co., Ltd.; (16) Activa International Incorporated; (17) Changzhou Changfa Power Machinery Co., Ltd.; (18) Foshan Yong Li Jian Alu. Ltd. (19) Guangzhou Mingcan Die-Casting Hardware Products Co., Ltd.; (20) Jiaxing Taixin Metal Products Co., Ltd.; (21) Metaltek Metal Industry Ltd.; (22) Zhejuang Zhengte Group Co., Ltd.; (23) Clear Sky Inc.; and (24) Zhuhai Runxingtai Electrical Equipment Co., Ltd.; (25) Shandong Huasheng Pesticide Machinery Co.; and (26) North China Aluminum Co., Ltd.

[11] *See* 19 CFR 351.309(c).

[12] *See* 19 CFR 351.309(d).

[13] *See* 19 CFR 351.310(c).

[14] *See* 19 CFR 351.310(d)(1).

[15] *See, e.g., Glycine from the People's Republic of China: Final Results of Antidumping Duty Administrative Review and Final Rescission, in Part,* 72 FR 58809 (October 17, 2007), and accompanying Issues and Decision Memorandum at Comment 2.

[16] *See* 19 CFR 351.301(c)(3).

[17] *See* 19 CFR 351.212(b)(1).

[18] In these preliminary results, the Department applied the assessment rate calculation method adopted in *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings: Final Modification,* 77 FR 8101 (February 14, 2012).

rate. In addition, if the Department determines that an exporter under review had no shipments of the subject merchandise, any suspended entries that entered under that exporter's case number (*i.e.,* at that exporter's rate) will be liquidated at the PRC-wide rate.[19]

The final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by the final results of this review and for future deposits of estimated duties, where applicable.

Cash Deposit Requirements

The following cash deposit requirements for estimated antidumping duties, when imposed, will apply to all shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) if Kromet; Gold Mountain International Development Limited; Shenzhen Jiuyuan Co., Ltd.; Sincere Profit Limited; or Skyline Exhibit Systems (Shanghai) Co., Ltd., receive a separate rate in the final results of this administrative review, then their cash deposit rate will be equal to the weighted-average dumping margin established in the final results of this review (except, if the rate is zero or *de minimis,* then the cash deposit rate will be zero); (2) for any previously investigated or reviewed PRC and non-PRC exporter that is not under review in this segment of the proceeding but that received a separate rate in a completed prior segment, the cash deposit rate will continue to be the exporter-specific rate published for the most recently completed segment of this proceeding; (3) for all PRC exporters of subject merchandise that have not been found to be entitled to a separate rate, the cash deposit rate will be equal to the cash deposit rate for for the PRC-wide entity, which will be equal to the weighted-average dumping margin assigned to the PRC-wide entity in the final results of this administrative review; [20] and (4) for all non-PRC exporters of subject merchandise which have not received their own rate, the cash deposit rate will be the rate applicable to the PRC exporter(s) that supplied that non-PRC exporter. These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Department's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

We are issuing and publishing notice of these results in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: June 3, 2013.

Paul Piquado,

Assistant Secretary for Import Administration.

Appendix

List of Topics Discussed in the Preliminary Decision Memorandum

[FR Doc. 2013–13816 Filed 6–10–13; 8:45 am]

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[19] *See Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties,* 76 FR 65694, 65694–95 (October 24, 2011).

[20] *See Aluminum Extrusions from the People's Republic of China: Final Determination of Sales at Less Than Fair Value,* 76 FR 18524 (April 4, 2011) (''*Final Determination*'') and *Order.*

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–908]

Sodium Hexametaphosphate From the People's Republic of China: Final Results of Expedited First Sunset Review of the Antidumping Duty Order

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: On February 1, 2013, the Department of Commerce (the ''Department'') initiated the first five-year (''sunset'') review of the antidumping duty order on sodium hexametaphosphate from the People's Republic of China (''PRC'') pursuant to section 751(c) of the Tariff Act of 1930, as amended (the ''Act'').[1] As a result of this sunset review, the Department finds that revocation of the antidumping duty order on sodium hexametaphosphate from the PRC would be likely to lead to continuation or recurrence of dumping at the levels indicated in the ''Final Results of Review'' section of this notice.

DATES: *Effective Date:* June 11, 2013.

FOR FURTHER INFORMATION CONTACT: Paul Walker, AD/CVD Operations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: 202.482.0413.

SUPPLEMENTARY INFORMATION:

Background

On March 4, 2013, the Department received an adequate substantive response from domestic interested parties ICL Performance Products LP and Innophos, Inc. (collectively, ''Petitioners'') within the deadline specified in 19 CFR 351.218(d)(3)(i).[2] We received no responses from respondent interested parties. As a result, the Department conducted an expedited (120-day) sunset review of the order, pursuant to section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(C)(2).

Scope of the Order

The merchandise subject to the order is sodium hexametaphosphate. Sodium hexametaphosphate is a water-soluble polyphosphate glass that consists of a distribution of polyphosphate chain lengths. It is a collection of sodium polyphosphate polymers built on repeating $NaPO_3$ units. Sodium

[1] *See Initiation of Five-Year (''Sunset'') Review,* 78 FR 7400 (February 1, 2013).

[2] *See* Petitioners' March 4, 2013 submission.

hexametaphosphate has a P_2O_5 content from 60 to 71 percent. Alternate names for sodium hexametaphosphate include the following: Calgon; Calgon S; Glassy Sodium Phosphate; Sodium Polyphosphate, Glassy; Metaphosphoric Acid; Sodium Salt; Sodium Acid Metaphosphate; Graham's Salt; Sodium Hex; Polyphosphoric Acid, Sodium Salt; Glass H; Hexaphos; Sodaphos; Vitrafos; and BAC–N–FOS. Sodium hexametaphosphate is typically sold as a white powder or granule (crushed) and may also be sold in the form of sheets (glass) or as a liquid solution. It is imported under heading 2835.39.5000, Harmonized Tariff Schedule of the United States (''HTSUS''). It may also be imported as a blend or mixture under heading 3824.90.3900, HTSUS. The American Chemical Society, Chemical Abstract Service (''CAS'') has assigned the name ''Polyphosphoric Acid, Sodium Salt'' to sodium hexametaphosphate. The CAS registry number is 68915–31–1. However, sodium hexametaphosphate is commonly identified by CAS No. 10124–56–8 in the market. For purposes of the order, the narrative description is dispositive, not the tariff heading, CAS registry number or CAS name.

The product covered by the order includes sodium hexametaphosphate in all grades, whether food grade or technical grade. The product covered by the order includes sodium hexametaphosphate without regard to chain length, *i.e.,* whether regular or long chain. The product covered by the order includes sodium hexametaphosphate without regard to physical form, whether glass, sheet, crushed, granule, powder, fines, or other form, and whether or not in solution.

However, the product covered by the order does not include sodium hexametaphosphate when imported in a blend with other materials in which the sodium hexametaphosphate accounts for less than 50 percent by volume of the finished product.

Analysis of Comments Received

All issues raised in this review are addressed in the ''Issues and Decision Memorandum for the Expedited First Sunset Review of the Antidumping Duty Order on Sodium Hexametaphosphate from the People's Republic of China'' from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Paul Piquado, Assistant Secretary for Import Administration, dated concurrently with, and hereby adopted by, this notice (''Decision Memorandum''). The issues discussed in the Decision Memorandum include the likelihood of continuation or recurrence of dumping and the magnitude of the margins likely to prevail if the order was to be revoked. Parties may find a complete discussion of all issues raised in the review and the corresponding recommendations in this public memorandum which is on file electronically via Import Administration's Antidumping and Countervailing Duty Centralized Electronic Services System (''IA ACCESS''). Access to IA ACCESS is available to registered users at *http://iaaccess.trade.gov* and is available to all parties in the Central Records Unit, room 7046 of the main Department of Commerce building. In addition, a complete version of the Decision Memorandum can be access directly on the Web at *http://ia.ita.doc.gov/frn.* The signed Decision Memorandum and the electronic versions of the Decision Memorandum are identical in content.

Final Results of Review

We determine that revocation of the order would be likely to lead to continuation or recurrence of dumping at the following weighted-average percentage margins:

Exporter	Weighted-Average Dumping Margin (percent)
Jiangyin Chengxing International Trading Co., Ltd.	92.02
Sichuan Mianzhu Norwest Phosphate Chemical Co.	92.02
PRC-Wide Rate	188.05

Administrative Protective Order

This notice also serves as the only reminder to parties subject to administrative protective order (''APO'') of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely notification of the return of destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

This sunset review and notice are in accordance with sections 751(c), 752(c), and 771(i)(1) of the Act.

Dated: June 3, 2013.

Paul Piquado,

Assistant Secretary for Import Administration.

[FR Doc. 2013–13877 Filed 6–10–13; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

Application(s) for Duty-Free Entry of Scientific Instruments

Pursuant to Section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, as amended by Pub. L. 106–36; 80 Stat. 897; 15 CFR part 301), we invite comments on the question of whether instruments of equivalent scientific value, for the purposes for which the instruments shown below are intended to be used, are being manufactured in the United States.

Comments must comply with 15 CFR 301.5(a)(3) and (4) of the regulations and be postmarked on or before July 1, 2013. Address written comments to Statutory Import Programs Staff, Room 3720, U.S. Department of Commerce, Washington, DC 20230. Applications may be examined between 8:30 a.m. and 5:00 p.m. at the U.S. Department of Commerce in Room 3720.

Docket Number: 13–016. Applicant: Pacific Northwest National Laboratory, 902 Battelle Boulevard, Richland, WA 99352. Instrument: Electron Microscope. Manufacturer: JEOL Ltd., Japan. Intended Use: The instrument will be used for the development of new materials or the improvement of existing materials requiring a clear understanding of structure/property relationships, atomic structure, distribution of various constituent elements, and the presence of defects in materials. Justification for Duty-Free Entry: There are no instruments of the same general category manufactured in the United States. Application accepted by Commissioner of Customs: March 22, 2013.

Docket Number: 13–018. Applicant: The Scripps Institute, 10550 North Torrey Pines Road, La Jolla, CA 92037. Instrument: Electron Microscope. Manufacturer: FEI Company, Czech Republic. Intended Use: The instrument will be used to determine the manner in which macromolecular biological assemblies including viruses, cellular protein assemblies, nanoparticles, and cellular organelles perform crucial life processes. Justification for Duty-Free Entry: There are no instruments of the same general category manufactured in the United States. Application accepted by Commissioner of Customs: April 11, 2013.

Docket Number: 13–021. Applicant: University of Massachusetts Amherst, 120 Governors Drive, Amherst, MA 01003. Instrument: Electron Microscope. Manufacturer: JEOL Ltd., Japan.

Intended Use: The instrument will be used to identify structure/properties relationships of polymer based solar cells or for the structural analysis of polymer/nanoparticle hybrid materials for the development of high-density storage devices, as well as to study the self-assembly of bio-polymer systems for drug-delivery system development. Justification for Duty-Free Entry: There are no instruments of the same general category manufactured in the United States. Application accepted by Commissioner of Customs: April 3, 2013.

Docket Number: 13–022. Applicant: University of Utah, 5C124 School of Medicine, Salt Lake City, UT 84132. Instrument: Electron Microscope. Manufacturer: JEOL Ltd., Japan. Intended Use: The instrument will be used to categorize tissues obtained from living organisms, cellular constructs, viruses, bacteria, and single-celled organisms, as well as particulate matter, including nanoparticles and other synthesized objects by cellular structure, morphology, and three-dimensional structure. The effects of genetic mutation, disease, and different environmental conditions on the subjects will also be studied. Justification for Duty-Free Entry: There are no instruments of the same general category manufactured in the United States. Application accepted by Commissioner of Customs: May 22, 2013.

Docket Number: 13–024. Applicant: University of Pennsylvania, 421 Curie Blvd., Biomedical Research Building, Room 1157, Perelman School of Medicine, Philadelphia, PA 19104. Instrument: Electron Microscope. Manufacturer: FEI Company, Czech Republic. Intended Use: The instrument will be used for the examination of traditional dehydrated, metal coated samples, as well as hydrated samples, and back-scattered electron detection of colloidal gold particles. Experiments will also require the identification and localization of specific macromolecules on the surface of cells or other structures, which requires a back-scattered electron detector. Justification for Duty-Free Entry: There are no instruments of the same general category manufactured in the United States. Application accepted by Commissioner of Customs: May 16, 2013.

Dated: June 5, 2013.

Gregory W. Campbell,

Director of Subsidies Enforcement, Import Administration.

[FR Doc. 2013–13879 Filed 6–10–13; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–986; C–570–987]

Hardwood and Decorative Plywood From the People's Republic of China: Correction of Postponement of Final Determination of Antidumping Duty Investigation and Countervailing Duty Investigations and Extension of Provisional Measures

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

DATES: *Effective Date:* June 11, 2013.

FOR FURTHER INFORMATION CONTACT: Catherine Bertrand at (202) 482–3207, AD/CVD Operations, Office 9, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW, Washington, DC 20230.

Correction of Postponement of Final Determination

On June 3, 2013, the Department of Commerce (''Department'') published the postponement of the final determination of the antidumping duty investigation of hardwood and decorative plywood from the People's Republic of China (''PRC'').[1] In that notice, the Department inadvertently extended the final determination by only 50 days, whereas Department had intended to fully postpone the final by 60 days. Therefore, the Department is now correcting that notice and fully extending the final determination in accordance with sections 733(d) and 735(a)(2)(A) of the Tariff Act of 1930, as amended (''the Act'') and 19 CFR 351.210(b)(2)(ii) and (e). Accordingly, we are postponing the final determination by 60 days. We are also extending the application of the provisional measures prescribed under section 733(d) of the Act and 19 CFR 351.210(e)(2) from a four month period to a six month period. In addition, because the countervailing duty investigation of hardwood and decorative plywood from the PRC has been aligned with the concurrent antidumping duty investigation under section 705(a)(1) of the Act, the time limit for completion of the final determination in the countervailing duty investigation will be the same date.[2] The final determination for both investigations therefore is September 16, 2013.[3]

Dated: June 5, 2013.

Paul Piquado,

Assistant Secretary for Import Administration.

[FR Doc. 2013–13871 Filed 6–10–13; 8:45 am]

BILLING CODE 3510–DS–P

BUREAU OF CONSUMER FINANCIAL PROTECTION

Privacy Act of 1974, as Amended

AGENCY: Bureau of Consumer Financial Protection.

ACTION: Notice of Proposed Privacy Act System of Records.

SUMMARY: In accordance with the Privacy Act of 1974, as amended, the Bureau of Consumer Financial Protection, hereinto referred to as the Consumer Financial Protection Bureau (CFPB or the Bureau), gives notice of the establishment of a Privacy Act System of Records.

DATES: Comments must be received no later than July 11, 2013. The new system of records will be effective July 22, 2013, unless the comments received result in a contrary determination.

ADDRESSES: You may submit comments by any of the following methods:

- *Electronic: privacy@cfpb.gov.*
- *Mail/Hand Delivery/Courier:* Claire Stapleton, Chief Privacy Officer, Consumer Financial Protection Bureau, 1700 G Street NW., Washington, DC 20552.

Comments will be available for public inspection and copying at 1700 G Street NW., Washington, DC 20552 on official business days between the hours of 10 a.m. and 5 p.m. Eastern Time. You can make an appointment to inspect comments by telephoning (202) 435–7220. All comments, including attachments and other supporting materials, will become part of the public record and subject to public disclosure. You should submit only information that you wish to make available publicly.

FOR FURTHER INFORMATION CONTACT: Claire Stapleton, Chief Privacy Officer,

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[1] *See Hardwood and Decorative Plywood from the People's Republic of China: Antidumping Duty Investigation; Correction and Postponement of Final Determination,* 78 FR 33059 (June 3, 2013).

[2] *See Hardwood and Decorative Plywood From the People's Republic of China: Amended Preliminary Countervailing Duty Determination; and Alignment of Final Determination With Final Antidumping Determination,* 78 FR 16250 (March 14, 2013).

[3] Day 60 falls on September 15, 2013, which is a Sunday. The Department's practice dictates that where a deadline falls on a weekend or federal holiday, the appropriate deadline is the next business day. *See Notice of Clarification: Application of ''Next Business Day'' Rule for Administrative Determination Deadlines Pursuant to the Tariff Act of 1930, as Amended,* 70 FR 24533, 24533 (May 10, 2005).

Consumer Financial Protection Bureau, 1700 G Street NW., Washington, DC 20552, (202) 435–7220.

SUPPLEMENTARY INFORMATION: The Dodd-Frank Wall Street Reform and Consumer Protection Act (Act), Public Law 111–203, Title X, established the CFPB to administer and enforce Federal consumer financial laws.

Section 1017(d) of the Act establishes a ''Consumer Financial Civil Penalty Fund'' (Civil Penalty Fund). Pursuant to section 1017(d)(1) of the Act, the CFPB will deposit into the Civil Penalty Fund any civil penalties it collects from any person in any judicial or administrative action taken by the Bureau under Federal consumer financial laws. The funds in the Civil Penalty Fund may be used ''for payments to the victims of activities for which civil penalties have been imposed under the Federal consumer financial laws.'' [1] The Bureau outlined how it will use money in the Civil Penalty Fund in the Consumer Financial Civil Penalty Fund Rule, 12 CFR Part 1075.

In addition, pursuant to section 1055(a) of the Act, the CFPB may obtain various types of monetary relief—including restitution, refunds, and damages—in judicial and administrative proceedings. Collectively, these forms of relief are referred to as ''redress.'' In some cases, an order will require a defendant to pay redress to the Bureau for the Bureau to distribute to the victims of the defendant's activities. This is known as ''Bureau-Administered Redress.''

The new system of records described in this notice, ''CFPB.025—Civil Penalty Fund and Bureau-Administered Redress Program Records'' will enable the CFPB to manage the distributions of Civil Penalty Fund and redress monies to consumers, including: (1) Tracking the collection, allocation, and distribution of funds in the Civil Penalty Fund and redress monies; (2) identifying and locating victims who may receive payments from the Civil Penalty Fund and/or redress payments; (3) determining the amounts of the Civil Penalty Fund payments and redress payments that the Bureau will make to victims; (4) maintaining accounting and financial information associated with such payments; and (5) developing reports to applicable federal, state, and local taxing officials of taxable income, and reports necessary to meet other reporting requirements. The CFPB will maintain control over the records covered by this notice.

The report of the new system of records has been submitted to the Committee on Oversight and Government Reform of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Office of Management and Budget, pursuant to Appendix I to OMB Circular A–130, ''Federal Agency Responsibilities for Maintaining Records About Individuals,'' dated November 30, 2000,[2] and the Privacy Act, 5 U.S.C. 552a(r).

The system of records entitled ''CFPB.0XX—Civil Penalty Fund and Bureau-Administered Redress Program Records'' is published in its entirety below.

Dated: May 28, 2013.

Claire Stapleton,

Chief Privacy Officer, Bureau of Consumer Financial Protection.

CFPB.025

SYSTEM NAME:

Civil Penalty Fund and Bureau-Administered Redress Program Records.

SYSTEM LOCATION:

Consumer Financial Protection Bureau, 1700 G Street NW., Washington, DC 20552.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals covered by this system include, without limitation: (1) Individuals identified as victims or potential victims who may receive payments from the Civil Penalty Fund or through Bureau-Administered Redress, including but not limited to current, former, and prospective consumers who are or have been customers or prospective customers of entities ordered to pay a civil penalty or redress to the Bureau as a result of a Bureau enforcement action; (2) individuals associated with entities and individuals that have been ordered to pay a civil penalty or redress to the Bureau as a result of a Bureau enforcement action; and (3) others, including CFPB employees, with information relevant to, or otherwise associated with, a Bureau enforcement action that has resulted in an order to pay civil penalties or redress to the Bureau.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records in this system may contain identifiable information about individuals including, without limitation: (1) Name, address, email address, phone number and other contact information; (2) Social Security number (SSN), age, date of birth, marital status, records of consumer financial transactions, financial account information, and internal identification number assigned to identified victims; (3) accounting and financial information relevant to making payment; and (4) accounting and financial information relevant to determining when and in what amounts victims have claimed funds. Additionally, non-identifying information in the system may include the dates the Bureau authorized, instituted, settled, and/or otherwise obtained a final judgment in a judicial or administrative action; an internal case tracking number; the date the judicial or administrative order was entered; the date the judicial or administrative order became a ''final order'' as defined by the Consumer Financial Civil Penalty Fund Rule, 12 CFR Part 1075; the amount of civil penalties or redress ordered; the due date for payments of civil penalties and redress funds; the date and amount of payments made; the status of debt collection efforts; and the balances of the Bureau's accounts as payments are made.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pub. L. 111–203, Title X, Sections 1017(d), 1055(a), codified at 12 U.S.C. 5497(d), 5565(a).

PURPOSE(S):

The system will enable the CFPB to manage the distribution of Civil Penalty Fund and redress monies to consumers, including: (1) Tracking the collection, allocation, and distribution of funds in the Civil Penalty Fund and redress monies; (2) identifying and locating victims who may receive payments from the Civil Penalty Fund and/or redress payments; (3) determining the amounts of the Civil Penalty Fund payments and redress payments that the Bureau will make to victims; (4) maintaining accounting and financial information associated with such payments; and (5) developing reports to applicable federal, state, and local taxing officials of taxable income, and reports necessary to meet other reporting requirements.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records may be disclosed, consistent with the CFPB Disclosure of Records and Information Rules, promulgated at 12 CFR 1070 *et seq.,* to:

(1) Appropriate agencies, entities, and persons when: (a) The CFPB suspects or

[1] 12 U.S.C. 5497(d)(2).

[2] Although the CFPB, under 12 U.S.C. 5497(a)(4)(E), is not legally required to follow OMB-issued guidance, it voluntarily follows OMB privacy-related guidance as a best practice and to facilitate cooperation and collaboration with other agencies.

has confirmed that the security or confidentiality of information in the system of records has been compromised; (b) the CFPB has determined that, as a result of the suspected or confirmed compromise, there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by the CFPB or another agency or entity) that rely upon the compromised information; and (c) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the CFPB's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm;

(2) Another federal or state agency to (a) permit a decision as to access, amendment or correction of records to be made in consultation with or by that agency, or (b) verify the identity of an individual or the accuracy of information submitted by an individual who has requested access to or amendment or correction of records;

(3) To the Office of the President in response to an inquiry from that office made at the request of the subject of a record or a third party on that person's behalf;

(4) Congressional offices in response to an inquiry made at the request of the individual to whom the record pertains;

(5) Contractors, agents, or other authorized individuals performing work on a contract, service, cooperative agreement, job, or other activity on behalf of the CFPB or Federal Government and who have a need to access the information in the performance of their duties or activities;

(6) The U.S. Department of Justice (DOJ) for its use in providing legal advice to the CFPB or in representing the CFPB in a proceeding before a court, adjudicative body, or other administrative body, where the use of such information by the DOJ is deemed by the CFPB to be relevant and necessary to the advice or proceeding, and such proceeding names as a party in interest:

(a) The CFPB;

(b) Any employee of the CFPB in his or her official capacity;

(c) Any employee of the CFPB in his or her individual capacity where DOJ has agreed to represent the employee; or

(d) The United States, where the CFPB determines that litigation is likely to affect the CFPB or any of its components;

(7) Appropriate federal, state, local, foreign, tribal, or self-regulatory organizations or agencies responsible for investigating, prosecuting, enforcing, implementing, issuing, or carrying out a statute, rule, regulation, order, policy, or license if the information may be relevant to a potential violation of civil or criminal law, rule, regulation, order, policy or license;

(8) These records may be disclosed to a court, magistrate, or administrative tribunal in the course of an administrative proceeding or judicial proceeding, including disclosures to opposing counsel or witnesses (including expert witnesses) in the course of discovery or other pre-hearing exchanges of information, litigation, or settlement negotiations, where relevant or potentially relevant to a proceeding, or in connection with criminal law proceedings;

(9) An entity or person that is the subject of a judicial or administrative action resulting in an order to pay civil penalties or redress to the Bureau, and the attorney or non-attorney representative for that entity or person;

(10) To the Treasury Department, Internal Revenue Service, or other governmental entities, including state and local taxing officials, to comply with tax-reporting obligations;

(11) A financial institution holding Civil Penalty Fund or redress monies on behalf of the Bureau in order to issue payments to identified victims;

(12) The Office of Inspector General, the Government Accountability Office, or other governmental entities as necessary to comply with reporting obligations regarding the disbursement of Civil Penalty Fund or redress monies; and

(13) The Federal Deposit Insurance Corporation (FDIC) in order to make claims under the FDIC's deposit insurance claims process, in the event a financial institution holding Civil Penalty Fund or redress monies on behalf of the Bureau fails.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM: STORAGE:

Paper and electronic records.

RETRIEVABILITY:

Records are retrievable by a variety of fields including, but not limited to, individual name, address, financial account number, internal identification number assigned to identified victims, or by some combination thereof.

SAFEGUARDS:

Access to electronic records is restricted to authorized personnel who have been issued non-transferrable access codes and passwords. Other records are maintained in locked file cabinets or rooms with access limited to those personnel whose official duties require access.

RETENTION AND DISPOSAL:

The CFPB will maintain electronic and paper records indefinitely until the National Archives and Records Administration (NARA) approves the CFPB's records disposition schedule.

SYSTEM MANAGER(S) AND ADDRESS:

Consumer Financial Protection Bureau, Chief Financial Officer, 1700 G Street NW., Washington, DC 20552.

NOTIFICATION PROCEDURE:

Individuals seeking notification and access to any record contained in this system of records, or seeking to contest its content, may inquire in writing in accordance with instructions appearing in Title 12, Chapter 10 of the CFR, Part 1070, ''Disclosure of Records and Information.'' Address such requests to: Chief Privacy Officer, Bureau of Consumer Financial Protection, 1700 G Street NW., Washington, DC 20552.

RECORD ACCESS PROCEDURES:

See ''Notification Procedures'' above.

CONTESTING RECORD PROCEDURES:

See ''Notification Procedures'' above.

RECORD SOURCE CATEGORIES:

Information in this system is provided by (1) individuals identified as victims or potential victims who may receive payments from the Civil Penalty Fund or through Bureau-Administered Redress, including but not limited to current, former, and prospective consumers who are or have been customers or prospective customers of entities ordered to pay a civil penalty or redress to the Bureau as a result of a Bureau enforcement action; (2) entities and individuals associated with entities and individuals that have been ordered to pay a civil penalty or redress to the Bureau as a result of a Bureau enforcement action; and (3) others, including CFPB employees, with information relevant to, or otherwise associated with, a Bureau enforcement action that has resulted in an order to pay civil penalties or redress to the Bureau.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 2013–13744 Filed 6–10–13; 8:45 am]

BILLING CODE 4810–AM–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID DoD–2013–OS–0126]

Proposed Collection; Comment Request

AGENCY: Defense Finance and Accounting Service (DFAS), DoD.

ACTION: Notice.

In compliance with Section 3506(c)(2)(A) of the *Paperwork Reduction Act of 1995,* the DFAS announces a proposed reinstatement of a public information collection and seeks public comment on the provisions thereof. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by August 12, 2013.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

• *Federal eRulemaking Portal: http://www.regulations.gov*. Follow the instructions for submitting comments.

• *Mail:* Federal Docket Management System Office, 4800 Mark Center Drive, East Tower, Suite 02G09, Alexandria, VA 22350–3100.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

Any associated form(s) for this collection may be located within this same electronic docket and downloaded for review/testing. Follow the instructions at *http://www.regulations.gov* for submitting comments. Please submit comments on any given form identified by docket number, form number, and title.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the Defense Finance and Accounting Services-CL, 1240 East 9th Street, Enterprise Solutions and Standards Code JJFJB (NP–6), Cleveland, Ohio 44199 ATTN: Stuart Kran, or email: *stuart.kran@dfas.mil*, or call (216) 204–4377.

Title; Associated Form; and OMB Number: Dependency Statements; Parent (DD Form 137–3), Child Born Out of Wedlock Under Age 21 (DD Form 137–4), Incapacitated Child Over Age 21 (DD Form 137–5), Full Time Student 21–22 Years of Age (DD Form 137–6), and Ward of a Court (DD Form 137–7); OMB Control Number 0730–0014.

Needs and Uses: The information collection requirement is necessary to certify dependency or obtain information to determine entitlement to basic allowance for housing (BAH) with dependent rate, travel allowance, or uniformed services identification and privilege card. Information regarding a parent, a child born out-of-wedlock, an incapacitated child over age 21, a student age 21–22, or a ward of a court is provided by the military member. A medical doctor or psychiatrist, college administrator, or a dependent's employer may need to provide information for claims. Pursuant to 37 U.S.C. 401, 403, 406, and 10 U.S.C. 1072 and 1076, the member must provide more than one half of the claimed dependent's monthly expenses. DoDFMR 7000.14–R, Vol. 7A, defines dependency and directs that dependency be proven. Dependency claim examiners use the information from these forms to determine the degree of benefits. The requirement to provide the information decreases the possibility of monetary allowances being approved on behalf of ineligible dependents.

Affected Public: Individuals or households

Annual Burden Hours: 17,474

Number of Respondents: 15,766

Responses Per Respondent: 1.33 on average

Average Burden Per Response: 50 minutes

Frequency: On occasion

SUPPLEMENTARY INFORMATION:

Summary of Information Collection

When military members apply for benefits, they must complete the form which corresponds to the particular dependent situation (a parent, a child born out-of-wedlock, an incapacitated child over age 21, a student age 21–22, or a ward of a court). While members usually complete these forms, they can also be completed by others considered members of the public. Dependency claim examiners use the information from these forms to determine the degree of benefits. Without this collection of information, proof of an entitlement to a benefit would not exist. The requirement to complete these forms helps alleviate the opportunity for fraud, waste, and abuse of dependent benefits.

Dated: June 4, 2013.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2013–13760 Filed 6–10–13; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Health Board; Notice of Federal Advisory Committee Meeting

AGENCY: Department of Defense (DoD).

ACTION: Meeting notice.

SUMMARY: Pursuant to the Federal Advisory Committee Act of 1972 (5 U.S.C., Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102–3.150, and in accordance with section 10(a)(2) of Public Law, a Defense Health Board (DHB) meeting is announced.

DATES:

June 27, 2013

7:45 a.m.–9:00 a.m. (Administrative Working Meeting).
9:15 a.m.–12:15 p.m. (Open Session).
12:15 p.m.–1:00 p.m. (Administrative Working Meeting).
1:00 p.m.–5:00 p.m. (Closed Session).

June 28, 2013

8:30 a.m.–1:00 p.m. (Administrative Working Meeting).

ADDRESSES: Defense Health Headquarters (DHHQ), Pavilion Salons B–C, 7700 Arlington Blvd., Falls Church, Virginia 22042 (escort required; see guidance in **SUPPLEMENTARY INFORMATION**, ''Public's Accessibility to the Meeting.'')

FOR FURTHER INFORMATION CONTACT: The Director of the Defense Health Board is Ms. Christine Bader, 7700 Arlington Boulevard, Suite 5101, Falls Church, Virginia 22042, (703) 681–6653, Fax: (703) 681–3317, *Christine.bader@tma.osd.mil*. For meeting information, please contact Ms. Kendal Brown, 7700 Arlington Boulevard, Suite 5101, Falls Church, Virginia 22042,

Kendal.Brown.ctr@tma.osd.mil, (703) 681–6670, Fax: (703) 681–3317.

SUPPLEMENTARY INFORMATION: Additional information, including the agenda and electronic registration, is available at the DHB Web site, *http://www.health.mil/dhb/default.cfm.*

Purpose of the Meeting

The purpose of the meeting is to address and deliberate pending and new issues before the Board.

Agenda

Pursuant to 5 U.S.C. 552b, as amended, and 41 CFR 102–3.140 through 102–3.165 and subject to availability of space, the DHB meeting is open to the public from 9:15 a.m. to 12:15 p.m. on June 27, 2013. On the morning of June 27, 2013, the DHB will receive briefings on the Army Enroute Critical Care Program, an update from the Defense Centers of Excellence for Psychological Health and Traumatic Brain Injury, and an information briefing on the Defense Health Agency Transition. In addition, the Board will report on the progress of its ongoing reviews of the impact of the obesity epidemic on the Department, the review of reducing training expenditures while maintaining health professional credentials, and the effort to capture lessons learned in trauma in theater for the Department.

Pursuant to 5 U.S.C. 552b, as amended, and 41 CFR 102–3.155, in the interest of national security, the DoD has determined that the meeting in the afternoon of June 27, 2013 will be closed to the public. The Assistant Secretary of Defense (Health Affairs), in consultation with the Office of the DoD General Counsel, has determined in writing that the public interest requires that the afternoon session on June 27, 2013 be closed to the public because it will concern matters listed in 5 U.S.C. 552b(c)(1). Specifically, the information presented meets criteria established by an Executive Order to be kept secret in the interest of national defense and foreign policy.

Public's Accessibility to the Meeting

Pursuant to 5 U.S.C. 552b, as amended, and 41 CFR 102–3.140 through 102–3.165 and subject to availability of space, this meeting is open to the public. Seating is limited and is on a first-come basis. All members of the public who wish to attend the public meeting must contact Ms. Kendal Brown at the number listed in **FOR FURTHER INFORMATION CONTACT** no later than noon on Thursday, June 20 to register and make arrangements for a DHHQ escort, if necessary. Public attendees requiring escort should arrive at the DHHQ Visitor's Entrance with sufficient time to complete security screening no later than 8:30 a.m. on June 27. To complete security screening, please come prepared to present two forms of identification and one must be a picture identification card.

Special Accommodations

Individuals requiring special accommodations to access the public meeting should contact Ms. Kendal Brown at least five (5) business days prior to the meeting so that appropriate arrangements can be made.

Written Statements

Any member of the public wishing to provide comments to the DHB may do so in accordance with 41 CFR 102–3.105(j) and 102–3.140 and section 10(a)(3) of the Federal Advisory Committee Act, and the procedures described in this notice.

Individuals desiring to provide comments to the DHB may do so by submitting a written statement to the DHB Designated Federal Officer (DFO) (see **FOR FURTHER INFORMATION CONTACT**). Written statements should address the following details: the issue, discussion, and a recommended course of action. Supporting documentation may also be included, as needed, to establish the appropriate historical context and to provide any necessary background information.

If the written statement is not received at least five (5) business days prior to the meeting, the DFO may choose to postpone consideration of the statement until the next open meeting.

The DFO will review all timely submissions with the DHB President and ensure they are provided to members of the DHB before the meeting that is subject to this notice. After reviewing the written comments, the President and the DFO may choose to invite the submitter to orally present their issue during an open portion of this meeting or at a future meeting. The DFO, in consultation with the DHB President, may allot time for members of the public to present their issues for review and discussion by the Defense Health Board.

Dated: June 6, 2013.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2013–13769 Filed 6–10–13; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Response Systems to Adult Sexual Assault Crimes Panel (Response Systems Panel); Notice of Federal Advisory Committee Meeting

AGENCY: Department of Defense.

ACTION: Notice.

SUMMARY: Under the provisions of the Federal Advisory Committee Act of 1972 (5 U.S.C., Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102–3.150, the Department of Defense (DoD) announces the following federal advisory committee meeting of the Response Systems to Adult Sexual Assault Crimes Panel.

DATES: A meeting of the Response Systems to Adult Sexual Assault Crimes Panel (hereafter referred to as ''the Response System Panel'') will be held on June 27, 2013. The Public Session will begin at 10:55 a.m. and end at 5:00 p.m.

ADDRESSES: U.S. District Court for the District of Columbia, 333 Constitution Avenue NW., Courtroom # 20, 6th Floor, Washington, DC 20001.

FOR FURTHER INFORMATION CONTACT: Ms. Maria Fried, Designated Federal Officer (DFO), Response Systems Panel, 1600 Pentagon, Room 3B747, Washington, DC 2030122203. Email: *ResponseSystemPanelDFO@osd.mil.* Phone: (703) 571–2664.

SUPPLEMENTARY INFORMATION:

Purpose of the Meeting: At this meeting, the Panel will deliberate on the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239), Section 576(a)(1) requirement to conduct an independent review and assessment of the systems used to investigate, prosecute, and adjudicate crimes involving adult sexual assault and related offenses under section 920 of title 10, United States Code (article 120 of the Uniform Code of Military Justice), for the purpose of developing recommendations regarding how to improve the effectiveness of such systems. The Panel is interested in written and oral comments from the public, including non-governmental organizations, relevant to this tasking.

Agenda: Prior to the Public Session, the Board will conduct an Administrative Session starting at 9:30 a.m. and ending at 10:50 a.m. to address administrative matters. After the Public Session, the Board will conduct an Administrative Session starting at 5:00 p.m. and ending at 5:30 p.m. to prepare for upcoming meetings. Pursuant to 41

CFR 102–3.160, the public may not attend the Administrative Sessions.

Tentative Agenda (updates available from the Panel's DFO at *ResponseSystemPanelDFO@osd.mil.*

- Victim Response Overview.
- Military Justice Overview.
- DoD Sexual Assault Prevention and Response Overview
- Receipt of public comments.

Availability of Materials for the Meeting: A copy of the agenda for the June 27, 2013 meeting and the tasking for the Panel may be obtained at the meeting or from the Panel's DFO at *ResponseSystemPanelDFO@osd.mil.*

Public's Accessibility to the Meeting: Pursuant to 5 U.S.C. 552b and 41 CFR 102–3.140 through 102–3.165, and the availability of space, part of this meeting is open to the public. Seating is limited and is on a first-come basis.

Special Accommodations: Individuals requiring special accommodations to access the public meeting should contact the DFO at *ResponseSystemPanelDFO@osd.mil* at least five (5) business days prior to the meeting so that appropriate arrangements can be made.

Procedures for Providing Public Comments: Pursuant to 41 CFR 102–3.105(j) and 102–3.140, and section 10(a)(3) of the Federal Advisory Committee Act of 1972, the public or interested organizations may submit written comments to the Panel about its mission and topics pertaining to this public session. Written comments must be received by the Designated Federal Officer at least five (5) business days prior to the meeting date so that they may be made available to the Panel for their consideration prior to the meeting. Written comments should be submitted via email to the address for the Designated Federal Officer given in this notice in the following formats: Adobe Acrobat, WordPerfect, or Microsoft Word. Please note that since the Panel operates under the provisions of the Federal Advisory Committee Act, as amended, all written comments will be treated as public documents and will be made available for public inspection. If members of the public are interested in making an oral statement, a written statement must be submitted along with a request to provide an oral statement. After reviewing the written comments, the Chairperson and the Designated Federal Officer will determine who of the requesting persons will be able to make an oral presentation of their issue during the open portion of this meeting. Determination of who will be making an oral presentation is at the sole discretion of the Committee Chair and the Designated Federal Officer and will depend on time available and relevance to the Committee's activities. Five minutes will be allotted to persons desiring to make an oral presentation. Oral presentations by members of the public will be permitted between 4:30 p.m. and 5:00 p.m. in front of the Board. The number of oral presentations to be made will depend on the number of requests received from members of the public.

Committee's Designated Federal Officer: The Board's Designated Federal Officer is Ms. Maria Fried, Response Systems to Adult Sexual Assault Crimes Panel, 1600 Pentagon, Room 3B747, Washington, DC 2030122203. Email: *ResponseSystemPanelDFO@osd.mil.* Phone: (703) 571–2664. For meeting information please contact Ms. Fried.

Dated: June 6, 2013.

Aaron Siegel,

Alternate OSD **Federal Register** *Liaison Officer, Department of Defense.*

[FR Doc. 2013–13825 Filed 6–10–13; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF EDUCATION

Applications for New Awards; National Institute on Disability and Rehabilitation Research—Advanced Rehabilitation Research Training Program

AGENCY: Office of Special Education and Rehabilitative Services, Department of Education.

ACTION: Notice.

Overview Information:

National Institute on Disability and Rehabilitation Research (NIDRR)—Disability and Rehabilitation Research Projects and Centers Program—Advanced Rehabilitation Research Training (ARRT) Program.

Notice inviting applications for new awards for fiscal year (FY) 2013.

Catalog of Federal Domestic Assistance (CFDA) Numbers: 84.133P–1, 84.133P–4, and 84–133P–5.

Note: This notice invites applications for three separate competitions. See the chart in the *Award Information* section of this notice for funding and other key information for each of the three competitions.

DATES: *Applications Available:* June 11, 2013.

Date of Pre-Application Meeting: July 2, 2013.

Deadline for Transmittal of Applications: August 12, 2013.

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The purpose of the Disability and Rehabilitation Research Projects and Centers Program is to plan and conduct research, demonstration projects, training, and related activities, including international activities, to develop methods, procedures, and rehabilitation technology that maximize the full inclusion and integration into society, employment, independent living, family support, and economic and social self-sufficiency of individuals with disabilities, especially individuals with the most severe disabilities, and to improve the effectiveness of services authorized under the Rehabilitation Act of 1973, as amended (Rehabilitation Act).

Advanced Rehabilitation Research Training

The purpose of NIDRR's ARRT program, which is funded through the Disability and Rehabilitation Research Projects and Centers Program, is to provide advanced research training and experience to individuals with doctorates, or similar advanced degrees, who have clinical or other relevant experience. ARRT projects train rehabilitation researchers, including researchers with disabilities, with particular attention to research areas that support the implementation and objectives of the Rehabilitation Act, and that improve the effectiveness of services authorized under the Rehabilitation Act.

Note: This final priority is in concert with NIDRR's Long-Range Plan for Fiscal Years 2013–2017 (Plan), which was published in the **Federal Register** on April 4, 2013 (78 FR 20299). The Plan is organized around the following research domains: (1) Community living and participation; (2) health and function; and (3) employment. The Plan can be accessed on the Internet at the following site: *www.gpo.gov/fdsys/pkg/FR-2013-04-04/html/2013-07879.htm.*

Additional information on the ARRT program can be found at: *www.ed.gov/rschstat/research/pubs/res-program.html#ARRT.*

Priority: There is one priority for the three competitions, which will each address one of NIDRR's major domains of individual well-being: (a) Community living and participation, (b) employment, or (c) health and function. This priority is from the notice of final priority for this program, published elsewhere in this issue of the **Federal Register**.

Absolute Priority: For FY 2013 and any subsequent year in which we make awards from the list of unfunded

applicants from these competitions, this priority is an absolute priority. Under 34 CFR 75.105(c)(3) we consider only applications that meet this priority in a manner consistent with the applicable competition.

This priority is:

Advanced Rehabilitation Research Training Program.

The Assistant Secretary for Special Education and Rehabilitative Services announces a new priority for the Advanced Rehabilitation Research Training (ARRT) program. For FY 2013, and potential subsequent years, ARRT projects must provide advanced research training to eligible individuals to enhance their capacity to conduct high-quality multidisciplinary rehabilitation and disability research to improve outcomes for individuals with disabilities in one of NIDRR's major domains of individual well-being: (a) Community living and participation, (b) employment, or (c) health and function.

Program Authority: 29 U.S.C. 762(g) and 764(a).

Applicable Regulations: (a) The Education Department General Administrative Regulations in 34 CFR parts 74, 75, 77, 80, 81, 82, 84, 86, and 97. (b) The Education Department suspension and debarment regulations in 2 CFR part 3485. (c) The regulations for this program in 34 CFR part 350. (d) The notice of final priority for this program, published elsewhere in this issue of the **Federal Register**.

Note: The regulations in 34 CFR part 86 apply to institutions of higher education (IHEs) only.

II. Award Information

Type of Award: Discretionary grants.

Estimated Available Funds: See chart.

Maximum Award: See chart.

Note: Consistent with 34 CFR 75.562, indirect cost reimbursement for a training grant is limited to eight percent of a modified total direct cost base, defined as total direct costs less stipends, tuition and related fees, equipment, and the amount of each subaward in excess of $25,000. Indirect costs can also be determined in the grantee's negotiated indirect cost rate agreement if that amount is less than the amount calculated under the formula above.

Estimated Number of Awards: See chart.

Note: The Department is not bound by any estimates in this notice.

CFDA No. and name	Applications available	Deadline for transmittal of applications	Estimated available funds [1]	Maximum award amount (per year) [2 3]	Estimated number of awards	Project period (months)
84.133P–1 ARRT—Community Living and Participation	6–11–13	8–12–13	$150,000	$150,000	1	60
84.133P–4 ARRT—Employment	6–11–13	8–12–13	150,000	150,000	1	60
84.133P–5 ARRT—Health and Function	6–11–13	8–12–13	150,000	150,000	1	60

[1] Contingent upon the availability of funds and the quality of applications, we may make additional awards in FY 2013 or in subsequent years from the list of unfunded applicants from this competition.

[2] We will reject any application that proposes a budget exceeding the maximum award amount for a single budget period of 12 months. The Assistant Secretary for Special Education and Rehabilitative Services may change the maximum amount through a notice published in the **Federal Register**.

[3] The maximum award amount includes both direct and indirect costs.

III. Eligibility Information

1. *Eligible Applicants:* IHEs.

2. *Cost Sharing or Matching:* This program does not require cost sharing or matching.

IV. Application and Submission Information

1. *Address To Request Application Package:* You can obtain an application package via the Internet or from the Education Publications Center (ED Pubs). To obtain a copy via the Internet, use the following address: *www.ed.gov/fund/grant/apply/grantapps/index.html.* To obtain a copy from ED Pubs, write, fax, or call the following: ED Pubs, U.S. Department of Education, P.O. Box 22207, Alexandria, VA 22304. Telephone, toll free: 1–877–433–7827. FAX: (703) 605–6794. If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call, toll free: 1–877–576–7734.

You can contact ED Pubs at its Web site, also: *www.EDPubs.gov* or at its email address: *edpubs@inet.ed.gov.*

If you request an application from ED Pubs, be sure to identify this program as follows: CFDA number 84.133P–1; 84.133P–4; or 84.133P–5.

Individuals with disabilities can obtain a copy of the application package in an accessible format (e.g., braille, large print, audiotape, or compact disc) by contacting the person or team listed under *Accessible Format* in section VIII of this notice.

2. *Content and Form of Application Submission:* Requirements concerning the content of an application, together with the forms you must submit, are in the application package for the competitions announced in this notice.

Page Limit: The application narrative (Part III of the application) is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. We recommend that you limit Part III to the equivalent of no more than 75 pages, using the following standards:

- A ''page'' is 8.5″ × 11″, on one side only, with 1″ margins at the top, bottom, and both sides.
- Double space (no more than three lines per vertical inch) all text in the application narrative, including titles, headings, footnotes, quotations, references, and captions, as well as all text in charts, tables, figures, and graphs.
- Use a font that is either 12 point or larger or no smaller than 10 pitch (characters per inch).
- Use one of the following fonts: Times New Roman, Courier, Courier New, or Arial. An application submitted in any other font (including Times Roman or Arial Narrow) will not be accepted.

The recommended page limit does not apply to Part I, the cover sheet; Part II, the budget section, including the narrative budget justification; Part IV, the assurances and certifications; or the one-page abstract, the resumes, the bibliography, or the letters of support. However, the recommended page limit does apply to all of the application narrative section (Part III).

Applicants should clearly indicate on the application cover sheet (SF 424 Form, line 4) whether they are applying for an ARRT program grant in the major domain of (a) community living and participation (CFDA number 84.133P–1); (b) employment (CFDA number 84.133P–4); or (c) health and function (CFDA number 84.133P–5). Although applicants may propose projects that address more than one domain, they should select the applicable competition

based on the primary domain addressed in their proposed project.

An applicant should consult NIDRR's Long-Range Plan for Fiscal Years 2013–2017 (Plan) when preparing its application. The Plan, which was published in the **Federal Register** on April 4, 2013 (78 FR 20299), can be accessed on the Internet at the following site: *www.ed.gov/about/offices/list/osers/nidrr/policy.html.*

3. *Submission Dates and Times:*

Applications Available: June 11, 2013.

Date of Pre-Application Meeting: Interested parties are invited to participate in a pre-application meeting and to receive information and technical assistance through individual consultation with NIDRR staff. The pre-application meeting will be held July 2, 2013. Interested parties may participate in this meeting by conference call with NIDRR staff from the Office of Special Education and Rehabilitative Services between 1:00 p.m. and 3:00 p.m., Washington, DC time. NIDRR staff also will be available from 3:30 p.m. to 4:30 p.m., Washington, DC time, on the same day, by telephone, to provide information and technical assistance through individual consultation. For further information or to make arrangements to participate in the meeting via conference call or for an individual consultation, contact the person listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice.

Deadline for Transmittal of Applications: August 12, 2013.

Applications for grants under the competitions announced in this notice must be submitted electronically using the Grants.gov Apply site (Grants.gov). For information (including dates and times) about how to submit your application electronically, or in paper format by mail or hand delivery if you qualify for an exception to the electronic submission requirement, please refer to section IV. 7. *Other Submission Requirements* of this notice.

We do not consider an application that does not comply with the deadline requirements.

Individuals with disabilities who need an accommodation or auxiliary aid in connection with the application process should contact the person listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice. If the Department provides an accommodation or auxiliary aid to an individual with a disability in connection with the application process, the individual's application remains subject to all other requirements and limitations in this notice.

4. *Intergovernmental Review:* This program is not subject to Executive Order 12372 and the regulations in 34 CFR part 79.

5. *Funding Restrictions:* We reference regulations outlining funding restrictions in the *Applicable Regulations* section of this notice.

6. *Data Universal Numbering System Number, Taxpayer Identification Number, Central Contractor Registry, and System for Award Management:* To do business with the Department of Education, you must—

a. Have a Data Universal Numbering System (DUNS) number and a Taxpayer Identification Number (TIN);

b. Register both your DUNS number and TIN with the Central Contractor Registry (CCR)—and, after July 24, 2012, with the System for Award Management (SAM), the Government's primary registrant database;

c. Provide your DUNS number and TIN on your application; and

d. Maintain an active CCR or SAM registration with current information while your application is under review by the Department and, if you are awarded a grant, during the project period.

You can obtain a DUNS number from DUN and Bradstreet. A DUNS number can be created within one business day.

If you are a corporate entity, agency, institution, or organization, you can obtain a TIN from the Internal Revenue Service. If you are an individual, you can obtain a TIN from the Internal Revenue Service or the Social Security Administration. If you need a new TIN, please allow 2–5 weeks for your TIN to become active.

The CCR or SAM registration process may take five or more business days to complete. If you are currently registered with the CCR, you may not need to make any changes. However, please make certain that the TIN associated with your DUNS number is correct. Also note that you will need to update your registration annually. This may take three or more business days to complete. Information about SAM is available at SAM.gov.

In addition, if you are submitting your application via Grants.gov, you must (1) be designated by your organization as an Authorized Organization Representative (AOR); and (2) register yourself with Grants.gov as an AOR. Details on these steps are outlined at the following Grants.gov Web page: *www.grants.gov/aapplicants/get_registered.jsp.*

7. *Other Submission Requirements:* Applications for grants under the competitions announced in this notice must be submitted electronically unless you qualify for an exception to this requirement in accordance with the instructions in this section.

a. *Electronic Submission of Applications.*

Applications for grants under the ARRT program competitions announced in this notice (CFDA numbers 84.133P–1, 84.133P–4, and 84.133P–5) must be submitted electronically using the Governmentwide Grants.gov Apply site at *www.Grants.gov.* Through this site, you will be able to download a copy of the application package, complete it offline, and then upload and submit your application. You may not email an electronic copy of a grant application to us.

We will reject your application if you submit it in paper format unless, as described elsewhere in this section, you qualify for one of the exceptions to the electronic submission requirement *and* submit, no later than two weeks before the application deadline date, a written statement to the Department that you qualify for one of these exceptions. Further information regarding calculation of the date that is two weeks before the application deadline date is provided later in this section under *Exception to Electronic Submission Requirement.*

You may access the electronic grant application for the ARRT program competitions announced in this notice at *www.Grants.gov.* You must search for the downloadable application package for the applicable competition by the CFDA number. Do not include the CFDA number's alpha suffix in your search (e.g., search for 84.133, not 84.133P).

Please note the following:

- When you enter the Grants.gov site, you will find information about submitting an application electronically through the site, as well as the hours of operation.
- Applications received by Grants.gov are date and time stamped. Your application must be fully uploaded and submitted and must be date and time stamped by the Grants.gov system no later than 4:30:00 p.m., Washington, DC time, on the application deadline date. Except as otherwise noted in this section, we will not accept your application if it is received—that is, date and time stamped by the Grants.gov system—after 4:30:00 p.m., Washington, DC time, on the application deadline date. We do not consider an application that does not comply with the deadline requirements. When we retrieve your application from Grants.gov, we will notify you if we are rejecting your application because it was date and time stamped by the Grants.gov system after

4:30:00 p.m., Washington, DC time, on the application deadline date.

• The amount of time it can take to upload an application will vary depending on a variety of factors, including the size of the application and the speed of your Internet connection. Therefore, we strongly recommend that you do not wait until the application deadline date to begin the submission process through Grants.gov.

• You should review and follow the Education Submission Procedures for submitting an application through Grants.gov that are included in the application package for the competition to which you are applying to ensure that you submit your application in a timely manner to the Grants.gov system. You can also find the Education Submission Procedures pertaining to Grants.gov under News and Events on the Department's G5 system home page at *www.G5.gov*.

• You will not receive additional point value because you submit your application in electronic format, nor will we penalize you if you qualify for an exception to the electronic submission requirement, as described elsewhere in this section, and submit your application in paper format.

• You must submit all documents electronically, including all information you typically provide on the following forms: the Application for Federal Assistance (SF 424), the Department of Education Supplemental Information for SF 424, Budget Information—Non-Construction Programs (ED 524), and all necessary assurances and certifications.

• You must upload any narrative sections and all other attachments to your application as files in a PDF (Portable Document) read-only, non-modifiable format. Do not upload an interactive or fillable PDF file. If you upload a file type other than a read-only, non-modifiable PDF or submit a password-protected file, we will not review that material. Additional, detailed information on how to attach files is in the application instructions.

• Your electronic application must comply with any page-limit requirements described in this notice.

• After you electronically submit your application, you will receive from Grants.gov an automatic notification of receipt that contains a Grants.gov tracking number. (This notification indicates receipt by Grants.gov only, not receipt by the Department.) The Department then will retrieve your application from Grants.gov and send a second notification to you by email. This second notification indicates that the Department has received your application and has assigned your application a PR/Award number (a Department-specified identifying number unique to your application).

• We may request that you provide us original signatures on forms at a later date.

Application Deadline Date Extension in Case of Technical Issues with the Grants.gov System: If you are experiencing problems submitting your application through Grants.gov, please contact the Grants.gov Support Desk, toll free, at 1–800–518–4726. You must obtain a Grants.gov Support Desk Case Number and must keep a record of it.

If you are prevented from electronically submitting your application on the application deadline date because of technical problems with the Grants.gov system, we will grant you an extension until 4:30:00 p.m., Washington, DC time, the following business day to enable you to transmit your application electronically or by hand delivery. You also may mail your application by following the mailing instructions described elsewhere in this notice.

If you submit an application after 4:30:00 p.m., Washington, DC time, on the application deadline date, please contact the person listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice and provide an explanation of the technical problem you experienced with Grants.gov, along with the Grants.gov Support Desk Case Number. We will accept your application if we can confirm that a technical problem occurred with the Grants.gov system and that that problem affected your ability to submit your application by 4:30:00 p.m., Washington, DC time, on the application deadline date. The Department will contact you after a determination is made on whether your application will be accepted.

Note: The extensions to which we refer in this section apply only to the unavailability of, or technical problems with, the Grants.gov system. We will not grant you an extension if you failed to fully register to submit your application to Grants.gov before the application deadline date and time or if the technical problem you experienced is unrelated to the Grants.gov system.

Exception to Electronic Submission Requirement: You qualify for an exception to the electronic submission requirement, and may submit your application in paper format, if you are unable to submit an application through the Grants.gov system because—

• You do not have access to the Internet; or

• You do not have the capacity to upload large documents to the Grants.gov system; and

• No later than two weeks before the application deadline date (14 calendar days or, if the fourteenth calendar day before the application deadline date falls on a Federal holiday, the next business day following the Federal holiday), you mail or fax a written statement to the Department, explaining which of the two grounds for an exception prevents you from using the Internet to submit your application.

If you mail your written statement to the Department, it must be postmarked no later than two weeks before the application deadline date. If you fax your written statement to the Department, we must receive the faxed statement no later than two weeks before the application deadline date.

Address and mail or fax your statement to: Marlene Spencer, U.S. Department of Education, 400 Maryland Avenue SW., room 5133, Potomac Center Plaza (PCP), Washington, DC 20202–2700. FAX: (202) 245–7323.

Your paper application must be submitted in accordance with the mail or hand delivery instructions described in this notice.

b. *Submission of Paper Applications by Mail.*

If you qualify for an exception to the electronic submission requirement, you may mail (through the U.S. Postal Service or a commercial carrier) your application to the Department. You must mail the original and two copies of your application, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.133P–1, 84.133P–4, or 84.133P–5), LBJ Basement Level 1, 400 Maryland Avenue SW., Washington, DC 20202–4260.

You must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary of the U.S. Department of Education.

If you mail your application through the U.S. Postal Service, we do not accept either of the following as proof of mailing:

(1) A private metered postmark.

(2) A mail receipt that is not dated by the U.S. Postal Service.

If your application is postmarked after the application deadline date, we will not consider your application.

Note: The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, you should check with your local post office.

c. *Submission of Paper Applications by Hand Delivery.*

If you qualify for an exception to the electronic submission requirement, you (or a courier service) may deliver your paper application to the Department by hand. You must deliver the original and two copies of your application by hand, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.133P–1, 84.133P–4, or 84.133P–5), 550 12th Street SW., Room 7041, Potomac Center Plaza, Washington, DC 20202–4260. The Application Control Center accepts hand deliveries daily between 8:00 a.m. and 4:30:00 p.m., Washington, DC time, except Saturdays, Sundays, and Federal holidays.

Note for Mail or Hand Delivery of Paper Applications: If you mail or hand deliver your application to the Department—

(1) You must indicate on the envelope and—if not provided by the Department—in Item 11 of the SF 424 the CFDA number, including suffix letter, if any, of the program under which you are submitting your application; and

(2) The Application Control Center will mail to you a notification of receipt of your grant application. If you do not receive this notification within 15 business days from the application deadline date, you should call the U.S. Department of Education Application Control Center at (202) 245–6288.

V. Application Review Information

1. *Selection Criteria:* The selection criteria for the competitions announced in this notice are from 34 CFR 350.54 and are listed in the application package.

2. *Review and Selection Process:* We remind potential applicants that in reviewing applications in any discretionary grant competition, the Secretary may consider, under 34 CFR 75.217(d)(3), the past performance of the applicant in carrying out a previous award, such as the applicant's use of funds, achievement of project objectives, and compliance with grant conditions. The Secretary may also consider whether the applicant failed to submit a timely performance report or submitted a report of unacceptable quality.

In addition, in making a competitive grant award, the Secretary also requires various assurances including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department of Education (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

3. *Special Conditions:* Under 34 CFR 74.14 and 80.12, the Secretary may impose special conditions on a grant if the applicant or grantee is not financially stable; has a history of unsatisfactory performance; has a financial or other management system that does not meet the standards in 34 CFR parts 74 or 80, as applicable; has not fulfilled the conditions of a prior grant; or is otherwise not responsible.

VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN) or we may send you an email containing a link to access an electronic version of your GAN. We may notify you informally, also.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Reporting:* (a) If you apply for a grant under this competition, you must ensure that you have in place the necessary processes and systems to comply with the reporting requirements in 2 CFR part 170 should you receive funding under the competition. This does not apply if you have an exception under 2 CFR 170.110(b).

(b) At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multi-year award, you must submit an annual performance report that provides the most current performance and financial expenditure information as directed by the Secretary under 34 CFR 75.118. The Secretary may also require more frequent performance reports under 34 CFR 75.720(c). For specific requirements on reporting, please go to *www.ed.gov/fund/grant/apply/appforms/appforms.html*.

4. *Performance Measures:* To evaluate the overall success of its research program, NIDRR assesses the quality of its funded projects through a review of grantee performance and products. Performance measures for the ARRT program include—

- The percentage of NIDRR-supported fellows, post-doctoral trainees, and doctoral students who publish results of NIDRR-sponsored research in refereed journals.
- The average number of publications per award based on NIDRR-funded research and development activities in refereed journals.

NIDRR uses information submitted by grantees as part of its Annual Performance Reports for these reviews.

Department of Education program performance reports, which include information on NIDRR programs, are available on the Department's Web site: *www.ed.gov/about/offices/list/opepd/sas/index.html*.

5. *Continuation Awards:* In making a continuation award, the Secretary may consider, under 34 CFR 75.253, the extent to which a grantee has made ''substantial progress toward meeting the objectives in its approved application.'' This consideration includes the review of a grantee's progress in meeting the targets and projected outcomes in its approved application, and whether the grantee has expended funds in a manner that is consistent with its approved application and budget. In making a continuation grant, the Secretary also considers whether the grantee is operating in compliance with the assurances in its approved application, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

VII. Agency Contact

FOR FURTHER INFORMATION CONTACT: Marlene Spencer, U.S. Department of Education, 400 Maryland Avenue SW., Room 5133, PCP, Washington, DC 20202–2700. Telephone: (202) 245–7532 or by email: *marlene.spencer@ed.gov*.

If you use a TDD or a TTY call the Federal Relay Service (FRS), toll free, at 1–800–877–8339.

VIII. Other Information

Accessible Format: Individuals with disabilities can obtain this document and a copy of the application package in an accessible format (e.g., braille, large print, audiotape, or compact disc) by contacting the Grants and Contracts Services Team, U.S. Department of Education, 400 Maryland Avenue SW., Room 5075, PCP, Washington, DC 20202–2550. Telephone: (202) 245–7363.

If you use a TDD or a TTY call FRS, toll-free, at 1–800–877–8339.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available via the Federal Digital System at: *www.gpo.gov/fdsys*. At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at: *www.federalregister.gov*. Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Dated: June 6, 2013.

Michael K. Yudin,

Delegated the authority to perform the functions and the duties of the Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 2013–13862 Filed 6–10–13; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Applications for New Awards; Charter Schools Program (CSP) Grants to Non-State Educational Agency (Non-SEA) Eligible Applicants for Planning, Program Design, and Initial Implementation and for Dissemination

AGENCY: Office of Innovation and Improvement, Department of Education.

ACTION: Notice.

Overview Information:

CSP Grants to Non-SEA Eligible Applicants for Planning, Program Design, and Initial Implementation and for Dissemination

Notice inviting applications for new awards for fiscal year (FY) 2013.

Catalog of Federal Domestic Assistance (CFDA) Numbers: 84.282B and 84.282C.

Dates:

Applications Available: June 11, 2013.

Dates of Pre-Application Webinars (all times are Washington, DC time):

1. June 17, 2013, 3 p.m. to 4:30 p.m.; and

2. June 20, 2013, 11 a.m. to 12:30 p.m.

Deadline for Transmittal of Applications: July 12, 2013.

Deadline for Intergovernmental Review: August 12, 2013.

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The purpose of the CSP is to increase national understanding of the charter school model by expanding the number of high-quality charter schools available to students across the Nation; providing financial assistance for the planning, program design, and initial implementation of charter schools; and evaluating the effects of charter schools, including their effects on students, student academic achievement, staff, and parents.

This notice inviting applications (NIA) announces competitions for two different grants: (1) Planning, Program Design, and Initial Implementation; and (2) Dissemination. Each grant has different purposes, eligibility requirements, and selection criteria. Information pertaining to each grant will be outlined in subsequent sections.

Non-SEA eligible applicants are those that are qualified to participate based on requirements set forth in this NIA. Non-SEA eligible applicants in States in which the SEA does not have an approved application under the CSP may receive grants directly from the Secretary for either planning, program design, and initial implementation of charter schools or to carry out dissemination activities. States with approved CSP applications are Arizona, Arkansas, California, Colorado, District of Columbia, Florida, Georgia, Indiana, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, Rhode Island, South Carolina, Tennessee, Texas, and Wisconsin.

Non-SEA eligible applicants that propose to use grant funds for planning, program design, and initial implementation of charter schools must apply under CFDA number 84.282B. Non-SEA eligible applicants that request funds for dissemination activities must apply under CFDA number 84.282C.

Priorities: This notice includes one absolute priority and three competitive preference priorities. The absolute priority and competitive preference priorities are from the notice of final supplemental priorities and definitions for discretionary grant programs published in the **Federal Register** on December 15, 2010 (75 FR 78486), and corrected on May 12, 2011 (76 FR 27637).

Background:

The absolute and competitive preference priorities focus this competition on assisting educationally disadvantaged students and other students—specifically students attending high-poverty schools, students in rural areas, students with disabilities, English Learners, and military-connected students—in meeting State academic content standards and State student academic achievement standards.

All charter schools receiving CSP funds, as outlined in section 5210(1)(G) of the Elementary and Secondary Education Act of 1965, as amended (ESEA), must comply with various non-discrimination laws, including the Age Discrimination Act of 1975, title VI of the Civil Rights Act of 1964, title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, part B of the Individuals with Disabilities Education Act (i.e., rights afforded to students and their parents with disabilities), and applicable State laws. The Department is particularly interested in encouraging charter schools to develop and implement innovative strategies to meet the needs of educationally disadvantaged students and other students.

In particular, recent reports have indicated that charter schools may be serving students with disabilities and English Learners at a lower rate than traditional public schools.[1]

The Secretary also recognizes that military-connected students often face distinctive obstacles in the way of receiving a high-quality education due to such factors as significant parental absence and frequent relocations.[2]

In addition, the Department understands that rural schools confront their own unique challenges and seeks to encourage rural education leaders to use charter schools, as appropriate, as part of their overall school improvement efforts.

Lastly, recent studies have indicated that charter schools may be less racially diverse than traditional public schools.[3] Given research showing that all students benefit from attending a school with a diverse student body,[4] the Department

[1] General Accountability Office. June 2012. ''Additional Federal Attention Needed to Help Protect Access for Students with Disabilities''. *http://www.gao.gov/assets/600/591435.pdf.*

[2] The White House. January 2011. ''Strengthening Our Military Families: Meeting America's Commitment. *www.defense.gov/home/features/2011/0111_initiative/strengthening_our_military_january_2011.pdf*

[3] Frankenberg, E., Siegel-Hawley, G., and Wang, J. January 2010. ''Choice without Equity: Charter School Segregation and the Need for Civil Rights Standards'' *http://civilrightsproject.ucla.edu/research/k-12-education/integration-and-diversity/choice-without-equity-2009-report/frankenberg-choices-without-equity-2010.pdf*

[4] Mickelson, Roslyn A. & Bottia, Martha (2010). Integrated Education and Mathematics Outcomes: A Synthesis of Social Science Research. North

Continued

is interested in supporting charter schools that explicitly focus on creating and maintaining a diverse student body (See *Competitive Preference Priority 2* (Promoting Diversity) and the accompanying note).

The absolute priority and all of the competitive preference priorities are intended to encourage applicants to develop innovative projects designed to eliminate achievement gaps between the subgroups described in this notice and the highest-achieving subgroups in their States.

Absolute Priority: For FY 2013 and any subsequent year in which we make awards from the list of unfunded applicants from this competition, this priority is an absolute priority. Under 34 CFR 75.105(c)(3) we consider only applications that meet this priority.

This priority is:

Improving Achievement and High School Graduation Rates [High-Poverty]. Accelerating learning and helping to improve high school graduation rates (as defined in this notice) and college enrollment rates in high-poverty schools (as defined in this notice).

Note: To meet this priority, an applicant demonstrating that it is a high poverty school (as defined in this notice) or, in the case of a charter school that has not yet enrolled students, will target for enrollment students from low-income families as determined using one of the criteria specified under section 1113(a)(5) of the ESEA.

Similarly, to meet this priority, an applicant for a dissemination grant under CFDA number 84.282C must provide enrollment data demonstrating that at least 50 percent of its students are from low-income families as determined using one of the criteria specified under section 1113(a)(5) of the ESEA.

Applications approved for funding must meet the absolute priority throughout the performance period.

Competitive Preference Priorities: For FY 2013 and any subsequent year in which we make awards from the list of unfunded applicants from this competition, these priorities are competitive preference priorities. Under 34 CFR 75.105(c)(2)(i) we will award up to an additional four points to an application depending on how well the application meets *Competitive Preference Priority 1,* up to an additional two points to an application depending on how well the application meets *Competitive Preference Priority 2,* and up to an additional three points to an application depending on how well the application meets *Competitive Preference Priority 3.* The maximum number of points an application can receive under these priorities is nine.

Note: In order to be eligible to receive points under these competitive preference priorities, the applicant must identify the priority or priorities that it believes it meets, provide a detailed explanation of how the project meets the priority, and provide documentation supporting its claims.

These priorities are:

Competitive Preference Priority 1—Improving Achievement and High School Graduation Rates [Rural Students, Students with Disabilities, and English Learners] (up to 4 points).

This priority is for projects that are designed to address one or more of the following priority areas:

(a) Accelerating learning and helping to improve high school graduation rates (as defined in this notice) and college enrollment rates for students in rural local educational agencies (as defined in this notice).

(b) Accelerating learning and helping to improve high school graduation rates (as defined in this notice) and college enrollment rates for students with disabilities.

(c) Accelerating learning and helping to improve high school graduation rates (as defined in this notice) and college enrollment rates for English Learners.

Note: This competitive preference priority encourages the applicant to provide a thoughtful, in-depth response to the priority area(s) to which it is well-suited to respond. Applicants will receive up to four points for how well they address priority areas (a) through (c). Applicants may choose to respond to one, two, or three of the priority areas but, in order to receive the maximum available points, it is not necessary for applicants to respond to more than one priority area.

Competitive Preference Priority 2—Promoting Diversity (up to 2 points).

Projects that are designed to promote student diversity, including racial and ethnic diversity, or avoid racial isolation.

Note: An applicant addressing *Competitive Preference Priority 2—Promoting Diversity* is invited to discuss how the proposed design of its project would help bring together students from different backgrounds, including students from different racial and ethnic backgrounds, to attain the benefits that flow from a diverse student body, or to avoid racial isolation.

Note: For information on permissible ways to address this priority, please refer to the joint guidance issued by the Department of Education and the Department of Justice entitled, ''Guidance on the Voluntary Use of Race to Achieve Diversity and Avoid Racial Isolation in Elementary and Secondary Schools'' at *http://www2.ed.gov/about/offices/list/ocr/docs/guidance-ese-201111.pdf.*

Competitive Preference Priority 3—Support for Military Families (up to 3 points).

This priority is for projects that are designed to address the needs of military-connected students (as defined in this notice).

Note: For purposes of this program, projects meeting this priority must target military-connected students who are current or prospective public charter school students. The applicant's recruitment and admissions policy must comply with its State charter school law and CSP program requirements (for information on admissions and the lottery under the CSP, see ''Charter Schools Program Nonregulatory Guidance'' at *http://www2.ed.gov/programs/charter/nonregulatory-guidance.html*).

Definitions

The following definitions are from the notice of final supplemental priorities and definitions for discretionary grant programs, published in the **Federal Register** on December 15, 2010 (75 FR 78486), and corrected on May 12, 2011 (76 FR 27637), and apply to this competition.

1. *Graduation rate* means a four-year adjusted cohort graduation rate consistent with 34 CFR 200.19(b)(1) and may also include an extended-year adjusted cohort graduation rate consistent with 34 CFR 200.19(b)(1)(v) if the State in which the proposed project is implemented has been approved by the Secretary to use such a rate under Title I of the ESEA.

2. *High-poverty school* means a school in which at least 50 percent of students are eligible for free or reduced-price lunches under the Richard B. Russell National School Lunch Act or in which at least 50 percent of students are from low-income families as determined using one of the criteria specified under section 1113(a)(5) of the ESEA. For middle and high schools, eligibility may be calculated on the basis of comparable data from feeder schools. Eligibility as a high-poverty school under this definition is determined on the basis of the most currently available data.

3. *Military-connected student* means: (a) a child participating in an early learning program, a student in preschool through grade 12, or a student enrolled in postsecondary education or training who has a parent or guardian on active duty in the uniformed services (as defined by 37 U.S.C. 101, in the Army, Navy, Air Force, Marine Corps, Coast Guard, National Guard, or the reserve component of any of the aforementioned services) or (b) a student who is a

Carolina Law Review, Vol. 88(3), pp. 993–1090; National Academy of Education. Race Conscious Policies for Assigning Students to Schools. Social Science Research and Supreme Court Cases. (2007). *http://nepc.colorado.edu/files/Brief-NAE.pdf.*

veteran of the uniformed services, who is on active duty, or who is the spouse of an active-duty service member.

4. *Rural local educational agency* means a local educational agency (LEA) that is eligible under the Small Rural School Achievement (SRSA) program or the Rural and Low-Income School (RLIS) program authorized under Title VI, Part B of the ESEA. Eligible applicants may determine whether a particular LEA is eligible for these programs by referring to information on the Department's Web site at *http://www2.ed.gov/nclb/freedom/local/reap.html.*

Requirements: Applicants approved for funding under this competition must attend an in-person, two-day meeting for project directors during each year of the project.

Note: The applicant is encouraged to include the cost of attending this meeting in its proposed budgets.

Program Authority: 20 U.S.C. 7221–7221i.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 76, 77, 79, 80, 81, 82, 84, 86, 97, 98, and 99.

(b) The Education Department suspension and debarment regulations in 2 CFR part 3485.

(c) The notice of final supplemental priorities and definitions for discretionary grant programs published in the **Federal Register** on December 15, 2010 (75 FR 78486), and corrected on May 12, 2011 (76 FR 27637).

Note: The regulations in 34 CFR part 79 apply to all applicants except federally recognized Indian tribes.

Note: The regulations in 34 CFR part 86 apply only to institutions of higher education.

II. Award Information

Type of Award: Discretionary grants.

Estimated Available Funds: $2,000,000.

Contingent upon the availability of funds and quality of applications, we may make additional awards in FY 2014 from the list of unfunded applications from this competition.

Estimated Range of Awards: $140,000 to $200,000 per year.

Estimated Average Size of Awards: $175,000 per year.

Estimated Number of Awards: 10–14.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 36 months for planning, program design, and initial implementation grants under CFDA number 84.282B. Up to 24 months for dissemination grants under CFDA number 84.282C.

Note: For planning, program design, and initial implementation grants awarded by the Secretary to non-SEA eligible applicants under CFDA number 84.282B, no more than 18 months may be used for planning and program design and no more than 24 months may be used for the initial implementation of a charter school.

III. Eligibility Information

1. *Eligible Applicants:*

(a) *Planning, Program Design, and Initial Implementation grants (CFDA number 84.282B):* A developer that has (1) applied to an authorized public chartering authority to operate a charter school; and (2) provided adequate and timely notice to that authority under section 5203(d)(3) of the ESEA (20 U.S.C. 7221b(d)(3)). In accordance with section 5203(d)(3) of the ESEA, an applicant for a pre-charter planning grant may include, in section V of its application, a request for a waiver from the Secretary of the requirement that the eligible applicant provide its authorized public chartering authority timely notice, and a copy, of its application for CSP funds (20 U.S.C. 7221b(d)(3)).

Note: Section 5210 of the ESEA (20 U.S.C. 7221i(2)) defines ''developer'' as an individual or group of individuals (including a public or private nonprofit organization), which may include teachers, administrators and other school staff, parents, or other members of the local community in which a charter school project will be carried out. Additionally, the charter school must be located in a State with a State statute specifically authorizing the establishment of charter schools and in which the SEA does not have an application approved under the CSP.

(b) *Dissemination grants (CFDA number 84.282C):* Charter schools, as defined in section 5210(1) of the ESEA (20 U.S.C. 7221i(1)), that have been in operation for at least three consecutive years and have demonstrated overall success, including—

(1) Substantial progress in improving student academic achievement;

(2) High levels of parent satisfaction; and

(3) The management and leadership necessary to overcome initial start-up problems and establish a thriving, financially viable charter school.

Note: Consistent with section 5204(f)(6) of the ESEA (20 U.S.C. 7221c(f)(6)), a charter school may apply for funds to carry out dissemination activities, whether or not the charter school previously applied for or received funds under the CSP for planning, program design, or implementation.

Note: These competitions (CFDA numbers 84.282B and 84.282C) are limited to eligible applicants in States in which the SEA does not have an approved application under the CSP (or will not have an approved application as of October 1, 2013). The following States currently have approved applications under the CSP: Arizona, Arkansas, California, Colorado, District of Columbia, Florida, Georgia, Indiana, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, Rhode Island, South Carolina, Tennessee, Texas, and Wisconsin.

Eligible applicants, including charter schools, located in States with currently approved CSP applications that are interested in participating in the CSP should contact the SEA for information related to the State's CSP subgrant competition. Further information is available at *http://www2.ed.gov/about/offices/list/oii/csp/funding.html.*

2. *Cost Sharing or Matching:* This program does not require cost sharing or matching.

IV. Application and Submission Information

1. *Address to Request Application Package:* LaShawndra Thornton, U.S. Department of Education, 400 Maryland Avenue SW., Room 4W257, Washington, DC 20202–5970. Telephone: (202) 453–5617 or by email: *lashawndra.thornton@ed.gov.*

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay Service (FRS), toll free, at 1–800–877–8339.

Individuals with disabilities can obtain a copy of the application package in an accessible format (e.g., braille, large print, audiotape, or compact disc) by contacting the program contact person listed in this section.

2.a. *Content and Form of Application Submission:* Requirements concerning the content of an application, together with the forms you must submit, are in the application package for this competition.

Page Limit: The application narrative (Part III of the application) is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. The Secretary strongly encourages applicants to limit Part III to the equivalent of no more than 50 pages, using the following standards:

- A ''page'' is 8.5″ x 11″, on one side only, with 1″ margins at the top, bottom, and both sides.
- Double space (no more than three lines per vertical inch) all text in the application narrative, including titles, headings, footnotes, quotations, references, and captions, as well as all text in charts, tables, figures, and graphs.

• Use a font that is either 12 point or larger or no smaller than 10 pitch (characters per inch).

• Use one of the following fonts: Times New Roman, Courier, Courier New, or Arial.

The page limit does not apply to Part I, the cover sheet; Part II, the budget section, including the narrative budget justification; Part IV, the assurances and certifications; or the one-page abstract, the resumes, the bibliography, or the letters of support. However, you must include all of the application narrative in Part III.

b. *Submission of Proprietary In formation:*

Given the types of projects that may be proposed in applications for the CSP Non-SEA Grants for Planning, Program Design, and Initial Implementation and for Dissemination, an application may include business information that the applicant considers proprietary. The Department's regulations define ''business information'' in 34 CFR 5.11.

Because we plan to make successful applications available to the public, you may wish to request confidentiality of business information.

Consistent with Executive Order 12600, please designate in your application any information that you feel is exempt from disclosure under Exemption 4 of the Freedom of Information Act. In the appropriate Appendix section of your application, under ''Other Attachments Form,'' please list the page number or numbers on which we can find this information. For additional information please see 34 CFR 5.11(c).

3. *Submission Dates and Times:*

Applications Available: June 11, 2013.

Date of Pre-Application Webinar: The Department will hold a pre-application Webinar for prospective applicants on the following dates (all times are Washington, DC time):

1. June 17, 2013, 3 p.m. to 4:30 p.m.; and

2. June 20, 2013, 11 a.m. to 12:30 p.m.

Individuals interested in attending one of the Webinars are encouraged to pre-register by emailing their name, organization, contact information, and preferred Webinar date and time with the subject heading NON–SEA PRE–APPLICATION MEETING to *Charterschools@ed.gov.* There is no registration fee for attending this Webinar.

For further information about the pre-application Webinar, contact LaShawndra Thornton, U.S. Department of Education, 400 Maryland Avenue SW., room 4W257, Washington, DC 20202–5970. Telephone: (202) 453–5617 or by email: *lashawndra.thornton@ed.gov.*

Deadline for Transmittal of Applications: July 12, 2013.

Applications for grants under this program must be submitted electronically using the Grants.gov Apply site (Grants.gov). For information (including dates and times) about how to submit your application electronically, or in paper format by mail or hand delivery if you qualify for an exception to the electronic submission requirement, please refer to section IV. 7. *Other Submission Requirements* of this notice.

We do not consider an application that does not comply with the deadline requirements.

Individuals with disabilities who need an accommodation or auxiliary aid in connection with the application process should contact the person listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice. If the Department provides an accommodation or auxiliary aid to an individual with a disability in connection with the application process, the individual's application remains subject to all other requirements and limitations in this notice.

Deadline for Intergovernmental Review: August 12, 2013.

4. *Intergovernmental Review:* This competition is subject to Executive Order 12372 and the regulations in 34 CFR part 79. Information about Intergovernmental Review of Federal Programs under Executive Order 12372 is in the application package for this program. Please note that, under 34 CFR 79.8(a), we have shortened the standard 60-day intergovernmental review period in order to make awards by the end of FY 2013.

5. *Funding Restrictions:*

Use of Funds for Post-Award Planning and Design of the Educational Program and Initial Implementation of the Charter School. A non-SEA eligible applicant receiving a grant under CFDA number 84.282B may use the grant funds only for—

(a) Post-award planning and design of the educational program, which may include (1) refinement of the desired educational results and of the methods for measuring progress toward achieving those results; and (2) professional development of teachers and other staff who will work in the charter school; and

(b) Initial implementation of the charter school, which may include (1) informing the community about the school; (2) acquiring necessary equipment and educational materials and supplies; (3) acquiring or developing curriculum materials; and (4) other initial operational costs that cannot be met from State or local sources. (20 U.S.C. 7221c(f)(3))

Note: CSP funds awarded under CFDA number 84.282B may be used only for the planning and initial implementation of a charter school. As a general matter, the Secretary considers charter schools that have been in operation for more than three years to be past the initial implementation phase and, therefore, ineligible to receive CSP funds to support the initial implementation of a charter school.

Use of Funds for Dissemination Activities. A charter school receiving a grant under CFDA number 84.282C may use grant funds to assist other schools in adapting the charter school's program (or certain aspects of the charter school's program), or to disseminate information about the charter school, through such activities as—

(a) Assisting other individuals with the planning and start-up of one or more new public schools, including charter schools, that are independent of the assisting charter school and the assisting charter school's developers, and that agree to be held to at least as high a level of accountability as the assisting charter school;

(b) Developing partnerships with other public schools, including charter schools, designed to improve student academic achievement in each of the schools participating in the partnership;

(c) Developing curriculum materials, assessments, and other materials that promote increased student achievement and are based on successful practices within the assisting charter school; and

(d) Conducting evaluations and developing materials that document the successful practices of the assisting charter school and that are designed to improve student performance in other schools. (20 U.S.C. 7221c(f)(6))

We reference additional regulations outlining funding restrictions in the *Applicable Regulations* section in this notice.

6. *Data Universal Numbering System Number, Taxpayer Identification Number, and System for Award Management:* To do business with the Department of Education, you must—

a. Have a Data Universal Numbering System (DUNS) number and a Taxpayer Identification Number (TIN);

b. Register both your DUNS number and TIN with the System for Award Management (SAM) (formerly the Central Contractor Registry (CCR)), the Government's primary registrant database;

c. Provide your DUNS number and TIN on your application; and

d. Maintain an active SAM registration with current information while your application is under review by the Department and, if you are awarded a grant, during the project period.

You can obtain a DUNS number from Dun and Bradstreet. A DUNS number can be created within one business day.

If you are a corporate entity, agency, institution, or organization, you can obtain a TIN from the Internal Revenue Service. If you are an individual, you can obtain a TIN from the Internal Revenue Service or the Social Security Administration. If you need a new TIN, please allow 2–5 weeks for your TIN to become active.

The SAM registration process may take seven or more business days to complete. If you are currently registered with the SAM, you may not need to make any changes. However, please make certain that the TIN associated with your DUNS number is correct. Also note that you will need to update your registration annually. This may take three or more business days to complete. Information about SAM is available at *SAM.gov*.

In addition, if you are submitting your application via *Grants.gov*, you must (1) be designated by your organization as an Authorized Organization Representative (AOR); and (2) register yourself with Grants.gov as an AOR. Details on these steps are outlined at the following Grants.gov Web page: *www.grants.gov/applicants/get_registered.jsp.*

7. *Other Submission Requirements:* Applications for grants under this competition must be submitted electronically unless you qualify for an exception to this requirement in accordance with the instructions in this section.

a. *Electronic Submission of Applications.*

Applications for grants under the CSP, CFDA Numbers 84.282B and 84.282C, must be submitted electronically using the Governmentwide Grants.gov Apply site at *www.Grants.gov.* Through this site, you will be able to download a copy of the application package, complete it offline, and then upload and submit your application. You may not email an electronic copy of a grant application to us.

We will reject your application if you submit it in paper format unless, as described elsewhere in this section, you qualify for one of the exceptions to the electronic submission requirement *and* submit, no later than two weeks before the application deadline date, a written statement to the Department that you qualify for one of these exceptions. Further information regarding calculation of the date that is two weeks before the application deadline date is provided later in this section under *Exception to Electronic Submission Requirement.*

You may access the electronic grant application for the CSP at *www.Grants.gov.* You must search for the downloadable application package for this program by the CFDA number. Do not include the CFDA number's alpha suffix in your search (e.g., search for 84.282, not 84.282B or 282C).

Please note the following:

- When you enter the Grants.gov site, you will find information about submitting an application electronically through the site, as well as the hours of operation.
- Applications received by Grants.gov are date and time stamped. Your application must be fully uploaded and submitted and must be date and time stamped by the Grants.gov system no later than 4:30:00 p.m., Washington, DC time, on the application deadline date. Except as otherwise noted in this section, we will not accept your application if it is received—that is, date and time stamped by the Grants.gov system—after 4:30:00 p.m., Washington, DC time, on the application deadline date. We do not consider an application that does not comply with the deadline requirements. When we retrieve your application from Grants.gov, we will notify you if we are rejecting your application because it was date and time stamped by the Grants.gov system after 4:30:00 p.m., Washington, DC time, on the application deadline date.
- The amount of time it can take to upload an application will vary depending on a variety of factors, including the size of the application and the speed of your Internet connection. Therefore, we strongly recommend that you do not wait until the application deadline date to begin the submission process through Grants.gov.
- You should review and follow the Education Submission Procedures for submitting an application through Grants.gov that are included in the application package for this program to ensure that you submit your application in a timely manner to the Grants.gov system. You can also find the Education Submission Procedures pertaining to Grants.gov under News and Events on the Department's G5 system home page at *www.G5.gov.*
- You will not receive additional point value because you submit your application in electronic format, nor will we penalize you if you qualify for an exception to the electronic submission requirement, as described elsewhere in this section, and submit your application in paper format.
- You must submit all documents electronically, including all information you typically provide on the following forms: the Application for Federal Assistance (SF 424), the Department of Education Supplemental Information for SF 424, Budget Information—Non-Construction Programs (ED 524), and all necessary assurances and certifications.
- You must upload any narrative sections and all other attachments to your application as files in a PDF (Portable Document) read-only, non-modifiable format. Do not upload an interactive or fillable PDF file. If you upload a file type other than a read-only, non-modifiable PDF or submit a password-protected file, we will not review that material.
- Your electronic application must comply with any page-limit requirements described in this notice.
- After you electronically submit your application, you will receive from Grants.gov an automatic notification of receipt that contains a Grants.gov tracking number. (This notification indicates receipt by Grants.gov only, not receipt by the Department.) The Department then will retrieve your application from Grants.gov and send a second notification to you by email. This second notification indicates that the Department has received your application and has assigned your application a PR/Award number (an ED-specified identifying number unique to your application).
- We may request that you provide us original signatures on forms at a later date.

Application Deadline Date Extension in Case of Technical Issues with the Grants.gov System: If you are experiencing problems submitting your application through Grants.gov, please contact the Grants.gov Support Desk, toll free, at 1–800–518–4726. You must obtain a Grants.gov Support Desk Case Number and must keep a record of it.

If you are prevented from electronically submitting your application on the application deadline date because of technical problems with the Grants.gov system, we will grant you an extension until 4:30:00 p.m., Washington, DC time, the following business day to enable you to transmit your application electronically or by hand delivery. You also may mail your application by following the mailing instructions described elsewhere in this notice.

If you submit an application after 4:30:00 p.m., Washington, DC time, on the application deadline date, please contact the person listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice and provide an explanation of the technical problem you experienced with Grants.gov, along with the Grants.gov Support Desk Case Number. We will accept your application if we can confirm that a technical problem occurred with the Grants.gov system and that that problem affected your ability to submit your application by 4:30:00 p.m., Washington, DC time, on the application deadline date. The Department will contact you after a determination is made on whether your application will be accepted.

Note: The extensions to which we refer in this section apply only to the unavailability of, or technical problems with, the Grants.gov system. We will not grant you an extension if you failed to fully register to submit your

application to Grants.gov before the application deadline date and time or if the technical problem you experienced is unrelated to the Grants.gov system.

Exception to Electronic Submission Requirement: You qualify for an exception to the electronic submission requirement, and may submit your application in paper format, if you are unable to submit an application through the Grants.gov system because—

- You do not have access to the Internet; or
- You do not have the capacity to upload large documents to the Grants.gov system; *and*
- No later than two weeks before the application deadline date (14 calendar days or, if the fourteenth calendar day before the application deadline date falls on a Federal holiday, the next business day following the Federal holiday), you mail or fax a written statement to the Department, explaining which of the two grounds for an exception prevent you from using the Internet to submit your application.

If you mail your written statement to the Department, it must be postmarked no later than two weeks before the application deadline date. If you fax your written statement to the Department, we must receive the faxed statement no later than two weeks before the application deadline date.

Address and mail or fax your statement to: LaShawndra Thornton, U.S. Department of Education, 400 Maryland Avenue SW., Room 4W257, Washington, DC 20202–5970. FAX: (202) 205–5630.

Your paper application must be submitted in accordance with the mail or hand delivery instructions described in this notice.

b. *Submission of Paper Applications by Mail.*

If you qualify for an exception to the electronic submission requirement, you may mail (through the U.S. Postal Service or a commercial carrier) your application to the Department. You must mail the original and two copies of your application, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.282B or 84.282C), LBJ Basement Level 1, 400 Maryland Avenue SW., Washington, DC 20202–4260.

You must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary of the U.S. Department of Education.

If you mail your application through the U.S. Postal Service, we do not accept either of the following as proof of mailing:

(1) A private metered postmark.

(2) A mail receipt that is not dated by the U.S. Postal Service.

If your application is postmarked after the application deadline date, we will not consider your application.

Note: The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, you should check with your local post office.

c. *Submission of Paper Applications by Hand Delivery.*

If you qualify for an exception to the electronic submission requirement, you (or a courier service) may deliver your paper application to the Department by hand. You must deliver the original and two copies of your application by hand, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.282B or 84.282C), 550 12th Street SW., Room 7041, Potomac Center Plaza, Washington, DC 20202–4260.

The Application Control Center accepts hand deliveries daily between 8:00 a.m. and 4:30:00 p.m., Washington, DC time, except Saturdays, Sundays, and Federal holidays.

Note for Mail or Hand Delivery of Paper Applications: If you mail or hand deliver your application to the Department—

(1) You must indicate on the envelope and—if not provided by the Department—in Item 11 of the SF 424 the CFDA number, including suffix letter, if any, of the competition under which you are submitting your application; and

(2) The Application Control Center will mail to you a notification of receipt of your grant application. If you do not receive this notification within 15 business days from the application deadline date, you should call the U.S. Department of Education Application Control Center at (202) 245–6288.

V. Application Review Information

1. *Application Requirements.* An applicant applying for CSP grant funds, under either CFDA number 84.282B or 84.282C, must address the following application requirements, which are based on section 5203(b) of the ESEA (20 U.S.C. 7221b(b)), as well as the applicable selection criteria in this notice, and may choose to respond to the application requirements in the context of its responses to the selection criteria.

(a) Describe the educational program to be implemented by the proposed charter school, including how the program will enable all students to meet challenging State student academic achievement standards, the grade levels or ages of children to be served, and the curriculum and instructional practices to be used;

Note: An applicant proposing to operate a single-sex charter school should include in its application a detailed description of how it is complying with applicable nondiscrimination laws, including the Equal Protection Clause of the U.S. Constitution (as interpreted in United States v. Virginia, 518 U.S. 515 (1996) and other cases) and Title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.) and its regulations, including 34 CFR 106.34(c). Specifically, the applicant should provide a written justification for a proposed single-sex charter school that explains: (1) How the single-sex program charter school is based on an important governmental objective(s); and (2) how the single-sex nature of the charter school is substantially related to the stated objective(s). An applicant proposing to operate a single-sex charter school that is part of an LEA and not a single-school LEA under State law, should also provide (1) information about whether there is or are a substantially equal single-sex school(s) for students of the excluded sex, and, if so, a detailed description of both the proposed single-sex charter school and the substantially equal single-sex school(s) based on the factors in 34 CFR 106.34(c)(3); and, (2) information about whether there is or are a substantially equal coeducational school(s) for students of the excluded sex, and, if so, a detailed description of both the proposed single-sex charter school and the substantially equal coeducational school(s) based on the factors in 34 CFR 106.34(c)(3).

(b) Describe how the charter school will be managed;

(c) Describe the objectives of the charter school and the methods by which the charter school will determine its progress toward achieving those objectives;

(d) Describe the administrative relationship between the charter school and the authorized public chartering agency;

(e) Describe how parents and other members of the community will be involved in the planning, program design, and implementation of the charter school;

(f) Describe how the authorized public chartering agency will provide for continued operation of the charter school once the Federal grant has expired, if that agency determines that the charter school has met its objectives as described in paragraph (c) of this section;

(g) If the charter school desires the Secretary to consider waivers under the authority of the CSP, include a request and justification for waivers of any Federal statutory or regulatory provisions that the applicant believes are necessary for the successful operation of the charter school, and a description of any State or local rules,

generally applicable to public schools, that will be waived for, or otherwise not apply to, the school. Each applicant for a planning, program design, and initial implementation grant under CFDA number 84.282B—that is requesting a waiver of the requirement under section 5203(d)(3) of the ESEA (20 U.S.C. 7221b(d)(3)) to provide its authorized public chartering agency with notice, and a copy, of its CSP application—should indicate whether it has applied for a charter previously and, if so, the name of the authorized public chartering authority and the disposition of the charter application;

(h) Describe how the grant funds will be used, including a description of how these funds will be used in conjunction with other Federal programs administered by the Secretary;

(i) Describe how students in the community will be informed about the charter school and be given an equal opportunity to attend the charter school;

Note: The applicant should provide a detailed description of its recruitment and admissions policies and practices, including a description of the lottery it plans to employ if more students apply for admission than can be accommodated. The applicant also should describe any plans to use a weighted lottery or to exempt certain categories of students from the lottery and how these plans are consistent with State law, the CSP authorizing statute, and CSP Nonregulatory Guidance (for information related to the lottery requirement under the CSP, please see Section E of the CSP Nonregulatory Guidance at *http://www2.ed.gov/programs/charter/nonregulatory-guidance.html*).

(j) Describe how a charter school that is considered an LEA under State law, or an LEA in which a charter school is located, will comply with sections 613(a)(5) and 613(e)(1)(B) of the Individuals with Disabilities Education Act (IDEA)(for additional information on IDEA, please see *http://idea.ed.gov/explore/view/p/%2Croot%2Cstatute%2CI%2CB%2C613%2C*); and

(k) If the eligible applicant desires to use grant funds for dissemination activities under section 5202(c)(2)(c) of the ESEA (20 U.S.C 7221a(c)(2)(C)), describe those activities and how those activities will involve charter schools and other public schools, LEAs, developers, and potential developers.

2. *Selection Criteria:* The selection criteria for this competition are from 20 U.S.C. 7221b and 7221c and 34 CFR 75.210 of EDGAR.

The selection criteria for applicants submitting applications under CFDA number 84.282B are listed in paragraph (a) of this section, and the selection criteria for applicants submitting applications under CFDA number 84.282C are listed in paragraph (b) of this section.

(a) *Selection Criteria for Planning, Program Design, and Initial Implementation Grants (CFDA number 84.282B).* The following selection criteria are based on sections 5203, 5204, and 5210 of the ESEA (20 U.S.C. 7221b, 7221c, and 7221i) and 34 CFR 75.210 of EDGAR. The maximum possible score for addressing all of the criteria in this section is 100 points. The maximum possible score for addressing each criterion is indicated in parentheses following the criterion. In evaluating an application for a planning, program design, and implementation grant, the Secretary considers the following criteria:

(1) *Quality of the proposed curriculum and instructional practices (20 U.S.C. 7221c(b)(1)) (up to 15 points).*

Note: The Secretary encourages the applicant to describe the quality of the educational program to be implemented by the proposed charter school, including how the program will enable all students to meet challenging State student academic achievement standards, the grade levels or ages of students to be served, and the curriculum and instructional practices to be used. If the curriculum and instructional practices have been successfully used in other schools operated or managed by the applicant, the Secretary encourages the applicant to describe the implementation of such practices and the academic results achieved.

(2) *The extent to which the proposed project will assist educationally disadvantaged students in meeting State academic content standards and State student academic achievement standards (20 U.S.C. 7221c(a)(1)) (up to 3 points).*

(3) *The quality of the strategy for assessing achievement of the charter school's objectives (20 U.S.C. 7221c(a)(4)) (up to 15 points).*

(4) *The extent of community support and parental and community involvement (20 U.S.C. 7221c(b)(3); 20 U.S.C. 7221b(b)(3)(E)) (up to 8 points).*

The Secretary considers the extent of community support for and parental and community involvement in, the charter school. In determining the extent of community support for, and parental and community involvement in, the charter school, the Secretary considers—

(i) The extent of community support for the application (up to 4 points); and

(ii) The extent to which the proposed project encourages parental and community involvement in the planning, program design, and implementation of the charter school (up to 4 points).

Note: In describing the extent to which the proposed project encourages parental and community involvement in the charter school, the Secretary encourages the applicant to describe how parents and other members of the community will be informed about the charter school and how students will be given an equal opportunity to attend the charter school.

(5) *Quality of project personnel (34 CFR 75.210(e)(1), (e)(2), and (e)(3)(ii)) (up to 22 points).*

The Secretary considers the quality of the personnel who will carry out the proposed project. In determining the quality of project personnel, the Secretary considers—

(i) The extent to which the applicant encourages applications for employment from persons who are members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age, or disability (up to 2 points); and

(ii) The qualifications, including relevant training and experience, of key project personnel (up to 20 points).

Note: The applicant is encouraged to provide evidence of the key project personnel's skills and experience in the following areas: successfully launching a high-quality charter school; developing an innovative school design; relevant non-profit organization management and leadership; sound board governance; effective curriculum development and implementation; and strong fiscal management.

(6) *Quality of the management plan (34 CFR 75.210(g)(1) and (g)(2)(i)) (up to 18 points).* The Secretary considers the quality of the management plan for the proposed project. In determining the quality of the management plan for the proposed project, the Secretary considers the adequacy of the management plan to achieve the objectives of the proposed project on time and within budget, including clearly defined responsibilities, timelines, and milestones for accomplishing project tasks.

(7) *Existence and quality of a charter or performance contract between the charter school and its authorized public chartering agency (20 U.S.C. 7221i(1)(L)) (up to 16 points).* The existence of a written charter or performance contract between the charter school and its authorized public chartering agency and the extent to which the charter or performance contract describes how student performance will be measured in the charter school pursuant to State assessments that are required of other schools and pursuant to any other assessments mutually agreeable to the authorized public chartering agency and the charter school.

Note: The applicant is encouraged to submit a copy of its approved charter or performance contract. If the applicant has had an application for a charter denied, the

applicant should describe the circumstances surrounding such denial and how it plans to revise the charter application before resubmitting it to the authorized public chartering agency.

(8) *The degree of flexibility afforded by the SEA and, if applicable, the LEA to the charter school (20 U.S.C. 7721c(b)(2)) (up to 3 points).*

Note: The Secretary encourages the applicant to describe the flexibility afforded under its State's charter school law in terms of establishing an administrative relationship between the charter school and the authorized public chartering agency, and whether charter schools are exempt from significant State or local rules that inhibit the flexible operation and management of public schools.

The Secretary also encourages the applicant to include a description of the degree of autonomy the charter school will have over such matters as the charter school's budget, expenditures, daily operations, and personnel in accordance with its State's charter school law.

(b) *Selection Criteria for Dissemination Grants (CFDA number 84.282C).* The following selection criteria are based on sections 5204 and 5210(1)(L) of the ESEA (20 U.S.C. 7221c and 7221i(1)(L)) and from 34 CFR 75.210 of EDGAR. The maximum possible score for addressing all the criteria in this section is 100 points. The maximum possible score for addressing each criterion is indicated in parentheses following the criterion. In evaluating an application for a dissemination grant, the Secretary considers the following criteria:

(1) *The quality of the proposed dissemination activities and the likelihood that those activities will improve student achievement (20 U.S.C. 7221c(b)(7)) (up to 15 points).*

Note: The Secretary encourages the applicant to describe the objectives for the proposed dissemination activities and the methods by which the charter school will determine its progress toward achieving those objectives.

(2) *Existence of a charter or performance contract between the charter school and its authorized public chartering agency (20 U.S.C. 7221i(1)(L)) (up to 1 point).* The existence of a written charter or performance contract between the charter school and its authorized public chartering agency and how the charter or performance contract requires student performance to be measured in the charter school pursuant to State assessments that are required of other schools and pursuant to any other assessments mutually agreeable to the authorized public chartering agency and the charter school.

(3) *Demonstration of success (20 U.S.C. 7221c(f)(6)(A)) (up to 40 points).* The extent to which the school has demonstrated overall success, including—

(i) Substantial progress in improving student academic achievement (up to 25 points);

(ii) High levels of parent satisfaction (up to 5 points); and

(iii) The management and leadership necessary to overcome initial start-up problems and establish a thriving, financially viable charter school (up to 10 points).

Note: The Secretary encourages the applicant to provide performance data (both school-wide and by subgroup) for the past three years on State assessments as compared to all students in other schools in the State at the same grade level, and as compared to other schools serving similar populations of students (while maintaining the appropriate standards that protect personally identifiable information).

The Secretary also encourages the applicant to provide its most recent State Report Card.

(4) *Dissemination strategy (34 CFR 75.210(b)(2)(xii)) (up to 15 points).* The Secretary considers the significance of the proposed project. In determining the significance of the proposed project, the Secretary considers the extent to which the results of the proposed project are to be disseminated in ways that will enable others to use the information or strategies.

(5) *Quality of project personnel (34 CFR 75.210(e)(1), (e)(2), and (e)(3)(i)) (up to 14 points).* The Secretary considers the quality of the personnel who will carry out the proposed project. In determining the quality of project personnel, the Secretary considers—

(i) The extent to which the applicant encourages applications for employment from persons who are members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age, or disability (up to 3 points); and

(ii) The qualifications, including relevant training and experience, of the project director or principal investigator (up to 11 points).

(6) *Quality of the management plan (34 CFR 75.210 (g)(1) and (g)(2)(i)) (up to 15 points).* The Secretary considers the quality of the management plan for the proposed project. In determining the quality of the management plan for the proposed project, the Secretary considers the adequacy of the management plan to achieve the objectives of the proposed project on time and within budget, including clearly defined responsibilities, timelines, and milestones for accomplishing project tasks.

3. *Review and Selection Process:* We remind potential applicants that in reviewing applications in any discretionary grant competition, the Secretary may consider, under 34 CFR 75.217(d)(3), the past performance of the applicant in carrying out a previous award, such as the applicant's use of funds, achievement of project objectives, and compliance with grant conditions. The Secretary may also consider whether the applicant failed to submit a timely performance report or submitted a report of unacceptable quality.

In addition, in making a competitive grant award, the Secretary also requires various assurances, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department of Education (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

4. *Special Conditions:* Under 34 CFR 74.14 and 80.12, the Secretary may impose special conditions on a grant if the applicant or grantee is not financially stable; has a history of unsatisfactory performance; has a financial or other management system that does not meet the standards in 34 CFR parts 74 or 80, as applicable; has not fulfilled the conditions of a prior grant; or is otherwise not responsible.

VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN), or we may send you an email containing a link to access an electronic version of your GAN. We may notify you informally, also.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Reporting:* (a) If you apply for a grant under this competition, you must ensure that you have in place the necessary processes and systems to comply with the reporting requirements

in 2 CFR part 170 should you receive funding under the competition. This does not apply if you have an exception under 2 CFR 170.110(b).

(b) At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multi-year award, you must submit an annual performance report that provides the most current performance and financial expenditure information as directed by the Secretary under 34 CFR 75.118. The Secretary may also require more frequent performance reports under 34 CFR 75.720(c). For specific requirements on reporting, please go to *www.ed.gov/fund/grant/apply/appforms/appforms.html.*

4. *Performance Measures:* The goal of the CSP is to support the creation and development of a large number of high-quality charter schools that are free from State or local rules that inhibit flexible operation, are held accountable for enabling students to reach challenging State performance standards, and are open to all students. The Secretary has two performance indicators to measure progress toward this goal: (1) The number of charter schools in operation around the Nation, and (2) the percentage of fourth- and eighth-grade charter school students who are achieving at or above the proficient level on State examinations in mathematics and reading/language arts. Additionally, the Secretary has established the following measure to examine the efficiency of the CSP: Federal cost per student in implementing a successful school (defined as a school in operation for three or more consecutive years).

All grantees must submit an annual performance report with information that is responsive to these performance measures.

5. *Continuation Awards:* In making a continuation award, the Secretary may consider, under 34 CFR 75.253, the extent to which a grantee has made ''substantial progress toward meeting the objectives in its approved application.'' This consideration includes the review of a grantee's progress in meeting the targets and projected outcomes in its approved application, and whether the grantee has expended funds in a manner that is consistent with its approved application and budget. In making a continuation grant, the Secretary also considers whether the grantee is operating in compliance with the assurances in its approved application, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

VII. Agency Contact

FOR FURTHER INFORMATION CONTACT: LaShawndra Thornton, U.S. Department of Education, 400 Maryland Avenue SW., room 4W257, Washington, DC 20202–5970. Telephone: (202) 453–5617 or by email: *lashawndra.thornton@ed.gov.*

If you use a TDD or a TTY, call the FRS, toll free, at 1–800–877–8339.

VIII. Other Information

Accessible Format: Individuals with disabilities can obtain this document and a copy of the application package in an accessible format (e.g., braille, large print, audiotape, or compact disc) on request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register.** Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available via the Federal Digital System at: *www.gpo.gov/fdsys.* At this site you can view this document, as well as all other documents of this Department published in the **Federal Register,** in text or Adobe Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at: *www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Dated: June 6, 2013.

Nadya Chinoy Dabby,

Acting Assistant Deputy Secretary for Innovation and Improvement.

[FR Doc. 2013–13846 Filed 6–10–13; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Applications for New Awards; National Institute on Disability and Rehabilitation Research—Disability and Rehabilitation Research Projects and Centers Program—Rehabilitation Engineering Research Centers

AGENCY: Office of Special Education and Rehabilitative Services, Department of Education.

ACTION: Notice.

Overview Information

National Institute on Disability and Rehabilitation Research (NIDRR)—Disability and Rehabilitation Research Projects and Centers Program—Rehabilitation Engineering Research Centers (RERCs)—Rehabilitation Strategies, Techniques, and Interventions; Information and Communication Technologies Access; Individual Mobility and Manipulation; and Physical Access and Transportation. Notice inviting applications for new awards for fiscal year (FY) 2013.

Catalog of Federal Domestic Assistance (CFDA) Numbers: 84.133E–5, 84.133E–6, 84.133E–7, and 84.133E–8.

Note: This notice invites applications for four separate competitions. For funding and other key information for each of the four competitions, see the chart in the *Award Information* section of this notice.

DATES: *Applications Available:* June 11, 2013.

Date of Pre-Application Meeting: July 2, 2013.

Deadline for Notice of Intent To Apply: July 16, 2013.

Deadline for Transmittal of Applications: August 12, 2013.

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The purpose of the Disability and Rehabilitation Research Projects and Centers Program is to plan and conduct research, demonstration projects, training, and related activities, including international activities, to develop methods, procedures, and rehabilitation technology that maximize the full inclusion and integration into society, employment, independent living, family support, and economic and social self-sufficiency of individuals with disabilities, especially individuals with the most severe disabilities, and to improve the effectiveness of services authorized under the Rehabilitation Act of 1973, as amended (Rehabilitation Act).

Rehabilitation Engineering Research Centers Program

The purpose of the RERCs program, which is funded through the Disability and Rehabilitation Research Projects and Centers Program, is to improve the effectiveness of services authorized under the Rehabilitation Act. It does so by conducting advanced engineering research, developing and evaluating innovative technologies, facilitating service delivery system changes, stimulating the production and

distribution of new technologies and equipment in the private sector, and providing training opportunities. RERCs seek to solve rehabilitation problems and remove environmental barriers to improvements in employment, community living and participation, and health and function outcomes of individuals with disabilities.

The general requirements for RERCs are set out in subpart D of 34 CFR part 350 (What Rehabilitation Engineering Research Centers Does the Secretary Assist?).

Additional information on the RERCs program can be found at: *www.ed.gov/rschstat/research/pubs/index.html.*

Priorities: NIDRR has established four priorities for the four competitions announced in this notice. These priorities are from the notice of final priorities for this program, published elsewhere in this issue of the **Federal Register**.

Absolute Priorities: For FY 2013 and any subsequent year in which we make awards from the list of unfunded applicants from these competitions, these priorities are absolute priorities. Under 34 CFR 75.105(c)(3), for each competition, we consider only applications that meet the absolute priority designated for that competition.

These priorities are:

Absolute priority	Corresponding competition CFDA No.
Rehabilitation Strategies, Techniques, and Interventions	84.133E–5
Information and Communication Technologies Access	84.133E–6
Individual Mobility and Manipulation	84.133E–7
Physical Access and Transportation	84.133E–8

Note: The full text of these priorities is included in the notice of final priorities published elsewhere in this issue of the **Federal Register** and in the applicable application package.

Program Authority: 29 U.S.C. 762(g) and 764(b)(3)(A).

Applicable Regulations: (a) The Education Department General Administrative Regulations in 34 CFR parts 74, 75, 77, 80, 81, 82, 84, 86, and 97. (b) The Education Department suspension and debarment regulations in 2 CFR part 3485. (c) The regulations for this program in 34 CFR part 350. (d) The notice of final priorities for this program, published elsewhere in this issue of the **Federal Register**.

Note: The regulations in 34 CFR part 86 apply to institutions of higher education (IHEs) only.

II. Award Information

Type of Award: Discretionary grants.

Estimated Available Funds: See chart.

Maximum Award: See chart.

Estimated Number of Awards: See chart.

Note: The Department is not bound by any estimates in this notice.

Project Period: See chart.

CFDA No. and name	Applications available	Deadline for transmittal of applications	Estimated available funds [1]	Maximum award amount (per year) [2 3]	Estimated number of awards	Project period (months)
84.133E–5 Rehabilitation Strategies, Techniques, and Interventions	6/11/13	8/12/13	$925,000	$925,000	1	60
84.133E–6 Information and Communication Technologies Access	6/11/13	8/12/13	$925,000	$925,000	1	60
84.133E–7 Individual Mobility and Manipulation	6/11/13	8/12/13	$925,000	$925,000	1	60
84.133E–8 Physical Access and Transportation	6/11/13	8/12/13	$925,000	$925,000	1	60

[1] Contingent upon the availability of funds and the quality of applications, we may make additional awards in FY 2013 or any subsequent year from the list of unfunded applicants from this competition.

[2] We will reject any application that proposes a budget exceeding the maximum amount. The Assistant Secretary for Special Education and Rehabilitative Services may change the maximum amount through a notice published in the FEDERAL REGISTER.

[3] The maximum amount includes both direct and indirect costs.

III. Eligibility Information

1. *Eligible Applicants:* States; public or private agencies, including for-profit agencies; public or private organizations, including for-profit organizations; IHEs; and Indian tribes and tribal organizations.

2. *Cost Sharing or Matching:* Cost sharing is required by 34 CFR 350.62(a) and will be negotiated at the time of the grant award.

IV. Application and Submission Information

1. *Address To Request Application Package:* You can obtain an application package via the Internet or from the Education Publications Center (ED Pubs). To obtain a copy via the Internet, use the following address: *www.ed.gov/fund/grant/apply/grantapps/index.html.* To obtain a copy from ED Pubs, write, fax, or call the following: ED Pubs, U.S. Department of Education, P.O. Box 22207, Alexandria, VA 22304. Telephone, toll free: 1–877–433–7827. FAX: (703) 605–6794. If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call, toll free: 1–877–576–7734.

You can contact ED Pubs at its Web site, also: *www.EDPubs.gov* or at its email address: *edpubs@inet.ed.gov.*

If you request an application from ED Pubs, be sure to identify this program as follows: CFDA number 84.133E–5; 84.133E–6; 84.133E–7; or 84.133E–8.

Individuals with disabilities can obtain a copy of the application package in an accessible format (e.g., braille, large print, audiotape, or compact disc) by contacting the person or team listed under *Accessible Format* in section VIII of this notice.

2. *Content and Form of Application Submission:* Requirements concerning the content of an application, together with the forms you must submit, are in the application package for each competition announced in this notice.

Notice of Intent To Apply: Due to the broad nature of the priorities in these competitions, and to assist with the selection of reviewers for these competitions, NIDRR is requesting all potential applicants to submit a letter of intent (LOI). The submission is not mandatory and the content of the LOI will not be peer reviewed or otherwise used to rate an applicant's application.

Each LOI should be limited to a maximum of four pages and include the following information: (1) the priority to which the potential applicant is responding; (2) the title of the proposed project, the name of the applicant, the name of the Project Director or Principal Investigator (PI), and the names of partner institutions and entities; (3) a

brief statement of the vision, goals, and objectives of the proposed project and a description of its activities at a sufficient level of detail to allow NIDRR to select potential peer reviewers; (4) a list of proposed project staff including the Project Director or PI and key personnel; (5) a list of individuals whose selection as a peer reviewer might constitute a conflict of interest due to involvement in proposal development, selection as an advisory board member, co-PI relationships, etc.; and (6) contact information for the Project Director or PI. Submission of an LOI is not a prerequisite for eligibility to submit an application.

NIDRR will accept the optional LOI via mail (through the U.S. Postal Service or commercial carrier) or email, by July 16, 2013. The LOI must be sent to: Marlene Spencer, U.S. Department of Education, 550 12th Street SW., room 5133, Potomac Center Plaza (PCP), Washington, DC 20202; or by email to: *marlene.spencer@ed.gov.*

For further information regarding the LOI submission process, contact Marlene Spencer at (202) 245–7532.

Page Limit: The application narrative (Part III of the application) is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. We recommend that you limit Part III to the equivalent of no more than 100 pages, using the following standards:

- A ''page'' is 8.5″ × 11″, on one side only, with 1″ margins at the top, bottom, and both sides.
- Double space (no more than three lines per vertical inch) all text in the application narrative, including titles, headings, footnotes, quotations, references, and captions, as well as all text in charts, tables, figures, and graphs.
- Use a font that is either 12 point or larger or no smaller than 10 pitch (characters per inch).
- Use one of the following fonts: Times New Roman, Courier, Courier New, or Arial.

The recommended page limit does not apply to Part I, the cover sheet; Part II, the budget section, including the narrative budget justification; Part IV, the assurances and certifications; or the one-page abstract, the resumes, the bibliography, or the letters of support. However, the recommended page limit does apply to all of the application narrative section (Part III).

An applicant should consult NIDRR's Long-Range Plan for Fiscal Years 2013–2017 (78 CFR 20299) (Plan) when preparing its application. The Plan is organized around the following research domains: (1) Community Living and Participation; (2) Health and Function; and (3) Employment.

3. *Submission Dates and Times:*

Applications Available: June 11, 2013.

Date of Pre-Application Meeting: Interested parties are invited to participate in a pre-application meeting and to receive information and technical assistance through individual consultation with NIDRR staff. The pre-application meeting will be held on July 2, 2013. Interested parties may participate in this meeting by conference call with NIDRR staff from the Office of Special Education and Rehabilitative Services between 1:00 p.m. and 3:00 p.m., Washington, DC time. NIDRR staff also will be available from 3:30 p.m. to 4:30 p.m., Washington, DC time, on the same day, by telephone, to provide information and technical assistance through individual consultation. For further information or to make arrangements to participate in the meeting via conference call or to arrange for an individual consultation, contact the person listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice.

Deadline for Notice of Intent To Apply: July 16, 2013.

Deadline for Transmittal of Applications: August 12, 2013.

Applications for grants under the competitions announced in this notice must be submitted electronically using the Grants.gov Apply site (Grants.gov). For information (including dates and times) about how to submit your application electronically, or in paper format by mail or hand delivery if you qualify for an exception to the electronic submission requirement, please refer to section IV. 7. *Other Submission Requirements* of this notice.

We do not consider an application that does not comply with the deadline requirements.

Individuals with disabilities who need an accommodation or auxiliary aid in connection with the application process should contact the person listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice. If the Department provides an accommodation or auxiliary aid to an individual with a disability in connection with the application process, the individual's application remains subject to all other requirements and limitations in this notice.

4. *Intergovernmental Review:* This program is not subject to Executive Order 12372 and the regulations in 34 CFR part 79.

5. *Funding Restrictions:* We reference regulations outlining funding restrictions in the *Applicable Regulations* section of this notice.

6. *Data Universal Numbering System Number, Taxpayer Identification Number, Central Contractor Registry, and System for Award Management:* To do business with the Department of Education, you must—

a. Have a Data Universal Numbering System (DUNS) number and a Taxpayer Identification Number (TIN);

b. Register both your DUNS number and TIN with the Central Contractor Registry (CCR)—and, after July 24, 2012, with the System for Award Management (SAM), the Government's primary registrant database;

c. Provide your DUNS number and TIN on your application; and

d. Maintain an active CCR or SAM registration with current information while your application is under review by the Department and, if you are awarded a grant, during the project period.

You can obtain a DUNS number from Dun and Bradstreet. A DUNS number can be created within one business day.

If you are a corporate entity, agency, institution, or organization, you can obtain a TIN from the Internal Revenue Service. If you are an individual, you can obtain a TIN from the Internal Revenue Service or the Social Security Administration. If you need a new TIN, please allow 2–5 weeks for your TIN to become active.

The CCR or SAM registration process may take five or more business days to complete. If you are currently registered with the CCR, you may not need to make any changes. However, please make certain that the TIN associated with your DUNS number is correct. Also note that you will need to update your registration annually. This may take three or more business days to complete. Information about SAM is available at *SAM.gov.*

In addition, if you are submitting your application via Grants.gov, you must (1) be designated by your organization as an Authorized Organization Representative (AOR); and (2) register yourself with Grants.gov as an AOR. Details on these steps are outlined at the following Grants.gov Web page: *www.grants.gov/applicants/get_registered.jsp.*

7. *Other Submission Requirements:* Applications for grants under the competitions announced in this notice must be submitted electronically unless you qualify for an exception to this requirement in accordance with the instructions in this section.

a. Electronic Submission of Applications

Applications for grants under the RERC competitions (CFDA numbers 84.133E–5, 84.133E–6, 84.133E–7, and 84.133E–8) must be submitted electronically using the Governmentwide Grants.gov Apply site at *www.Grants.gov.* Through this site, you will be able to download a copy of the application package, complete it offline, and then upload and submit your application. You may not email an electronic copy of a grant application to us.

We will reject your application if you submit it in paper format unless, as described elsewhere in this section, you qualify for one of the exceptions to the electronic submission requirement *and* submit, no later than two weeks before the application deadline date, a written statement to the Department that you qualify for one of these exceptions. Further information regarding calculation of the date that is two weeks before the application deadline date is provided later in this section under *Exception to Electronic Submission Requirement.*

You may access an electronic grant application for the RERC competitions (CFDA numbers 84.133E–5, 84.133E–6, 84.133E–7, and 84.133E–8) at *www.Grants.gov.* You must search for the downloadable application package for the applicable competition by the CFDA number. Do not include the CFDA number's alpha suffix in your search (e.g., search for 84.133, not 84.133E).

Please note the following:

- When you enter the Grants.gov site, you will find information about submitting an application electronically through the site, as well as the hours of operation.
- Applications received by Grants.gov are date and time stamped. Your application must be fully uploaded and submitted and must be date and time stamped by the Grants.gov system no later than 4:30:00 p.m., Washington, DC time, on the application deadline date. Except as otherwise noted in this section, we will not accept your application if it is received—that is, date and time stamped by the Grants.gov system—after 4:30:00 p.m., Washington, DC time, on the application deadline date. We do not consider an application that does not comply with the deadline requirements. When we retrieve your application from Grants.gov, we will notify you if we are rejecting your application because it was date and time stamped by the Grants.gov system after 4:30:00 p.m., Washington, DC time, on the application deadline date.
- The amount of time it can take to upload an application will vary depending on a variety of factors, including the size of the application and the speed of your Internet connection. Therefore, we strongly recommend that you do not wait until the application deadline date to begin the submission process through Grants.gov.
- You should review and follow the Education Submission Procedures for submitting an application through Grants.gov that are included in the application package for the competition under which you are applying to ensure that you submit your application in a timely manner to the Grants.gov system. You can also find the Education Submission Procedures pertaining to Grants.gov under News and Events on the Department's G5 system home page at *www.G5.gov.*
- You will not receive additional point value because you submit your application in electronic format, nor will we penalize you if you qualify for an exception to the electronic submission requirement, as described elsewhere in this section, and submit your application in paper format.
- You must submit all documents electronically, including all information you typically provide on the following forms: the Application for Federal Assistance (SF 424), the Department of Education Supplemental Information for SF 424, Budget Information—Non-Construction Programs (ED 524), and all necessary assurances and certifications.
- You must upload any narrative sections and all other attachments to your application as files in a PDF (Portable Document) read-only, non-modifiable format. Do not upload an interactive or fillable PDF file. If you upload a file type other than a read-only, non-modifiable PDF or submit a password-protected file, we will not review that material. Additional, detailed information on how to attach files is in the application instructions.
- Your electronic application must comply with any page-limit requirements described in this notice.
- After you electronically submit your application, you will receive from Grants.gov an automatic notification of receipt that contains a Grants.gov tracking number. (This notification indicates receipt by Grants.gov only, not receipt by the Department.) The Department then will retrieve your application from Grants.gov and send a second notification to you by email. This second notification indicates that the Department has received your application and has assigned your application a PR/Award number (a Department-specified identifying number unique to your application).
- We may request that you provide us original signatures on forms at a later date.

Application Deadline Date Extension in Case of Technical Issues with the Grants.gov System: If you are experiencing problems submitting your application through Grants.gov, please contact the Grants.gov Support Desk, toll free, at 1–800–518–4726. You must obtain a Grants.gov Support Desk Case Number and must keep a record of it.

If you are prevented from electronically submitting your application on the application deadline date because of technical problems with the Grants.gov system, we will grant you an extension until 4:30:00 p.m., Washington, DC time, the following business day to enable you to transmit your application electronically or by hand delivery. You also may mail your application by following the mailing instructions described elsewhere in this notice.

If you submit an application after 4:30:00 p.m., Washington, DC time, on the application deadline date, please contact the person listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice and provide an explanation of the technical problem you experienced with Grants.gov, along with the Grants.gov Support Desk Case Number. We will accept your application if we can confirm that a technical problem occurred with the Grants.gov system and that that problem affected your ability to submit your application by 4:30:00 p.m., Washington, DC time, on the application deadline date. The Department will contact you after a determination is made on whether your application will be accepted.

Note: The extensions to which we refer in this section apply only to the unavailability of, or technical problems with, the Grants.gov system. We will not grant you an extension if you failed to fully register to submit your application to Grants.gov before the application deadline date and time or if the technical problem you experienced is unrelated to the Grants.gov system.

Exception to Electronic Submission Requirement: You qualify for an exception to the electronic submission requirement, and may submit your application in paper format, if you are unable to submit an application through the Grants.gov system because—

- You do not have access to the Internet; or
- You do not have the capacity to upload large documents to the Grants.gov system;

and

• No later than two weeks before the application deadline date (14 calendar days or, if the fourteenth calendar day before the application deadline date falls on a Federal holiday, the next business day following the Federal holiday), you mail or fax a written statement to the Department, explaining which of the two grounds for an exception prevents you from using the Internet to submit your application.

If you mail your written statement to the Department, it must be postmarked no later than two weeks before the application deadline date. If you fax your written statement to the Department, we must receive the faxed statement no later than two weeks before the application deadline date.

Address and mail or fax your statement to: Marlene Spencer, U.S. Department of Education, 400 Maryland Avenue SW., room 5133, PCP, Washington, DC 20202–2700. FAX: (202) 245–7323.

Your paper application must be submitted in accordance with the mail or hand delivery instructions described in this notice.

b. Submission of Paper Applications by Mail

If you qualify for an exception to the electronic submission requirement, you may mail (through the U.S. Postal Service or a commercial carrier) your application to the Department. You must mail the original and two copies of your application, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.133E–5, 84.133E–6, 84.133E–7, or 84.133E–8) LBJ Basement Level 1, 400 Maryland Avenue SW., Washington, DC 20202–4260.

You must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary of the U.S. Department of Education.

If you mail your application through the U.S. Postal Service, we do not accept either of the following as proof of mailing:

(1) A private metered postmark.

(2) A mail receipt that is not dated by the U.S. Postal Service.

If your application is postmarked after the application deadline date, we will not consider your application.

Note: The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, you should check with your local post office.

c. Submission of Paper Applications by Hand Delivery

If you qualify for an exception to the electronic submission requirement, you (or a courier service) may deliver your paper application to the Department by hand. You must deliver the original and two copies of your application by hand, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.133E–5, 84.133E–6, 84.133E–7, or 84.133E–8) LBJ Basement Level 1, 400 Maryland Avenue SW., Washington, DC 20202–4260.

The Application Control Center accepts hand deliveries daily between 8:00 a.m. and 4:30:00 p.m., Washington, DC time, except Saturdays, Sundays, and Federal holidays.

Note for Mail or Hand Delivery of Paper Applications: If you mail or hand deliver your application to the Department—

(1) You must indicate on the envelope and—if not provided by the Department—in Item 11 of the SF 424 the CFDA number, including suffix letter, if any, of the program under which you are submitting your application; and

(2) The Application Control Center will mail to you a notification of receipt of your grant application. If you do not receive this notification within 15 business days from the application deadline date, you should call the U.S. Department of Education Application Control Center at (202) 245–6288.

V. Application Review Information

1. *Selection Criteria:* The selection criteria for the competitions announced in this notice are from 34 CFR 350.54 and are listed in the application package.

2. *Review and Selection Process:* We remind potential applicants that in reviewing applications in any discretionary grant competition, the Secretary may consider, under 34 CFR 75.217(d)(3), the past performance of the applicant in carrying out a previous award, such as the applicant's use of funds, achievement of project objectives, and compliance with grant conditions. The Secretary may also consider whether the applicant failed to submit a timely performance report or submitted a report of unacceptable quality.

In addition, in making a competitive grant award, the Secretary also requires various assurances including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department of Education (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

3. *Special Conditions:* Under 34 CFR 74.14 and 80.12, the Secretary may impose special conditions on a grant if the applicant or grantee is not financially stable; has a history of unsatisfactory performance; has a financial or other management system that does not meet the standards in 34 CFR parts 74 or 80, as applicable; has not fulfilled the conditions of a prior grant; or is otherwise not responsible.

VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN); or we may send you an email containing a link to access an electronic version of your GAN. We may notify you informally, also.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Reporting:* (a) If you apply for a grant under this competition, you must ensure that you have in place the necessary processes and systems to comply with the reporting requirements in 2 CFR part 170 should you receive funding under the competition. This does not apply if you have an exception under 2 CFR 170.110(b).

(b) At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multi-year award, you must submit an annual performance report that provides the most current performance and financial expenditure information as directed by the Secretary under 34 CFR 75.118. The Secretary may also require more frequent performance reports under 34 CFR 75.720(c). For specific requirements on reporting, please go to *www.ed.gov/*

fund/grant/apply/appforms/appforms.html.

4. *Performance Measures:* To evaluate the overall success of its research program, NIDRR assesses the quality of its funded projects through a review of grantee performance and products. Each year, NIDRR examines a portion of its grantees to determine:

- The number of products (e.g., new or improved tools, methods, discoveries, standards, interventions, programs, or devices developed or tested with NIDRR funding) that have been judged by expert panels to be of high quality and to advance the field.
- The average number of publications per award based on NIDRR-funded research and development activities in refereed journals.
- The percentage of new NIDRR grants that assess the effectiveness of interventions, programs, and devices using rigorous methods.

NIDRR uses information submitted by grantees as part of their Annual Performance Reports for these reviews.

Department of Education program performance reports, which include information on NIDRR programs, are available on the Department's Web site: *www.ed.gov/about/offices/list/opepd/sas/index.html.*

5. *Continuation Awards:* In making a continuation award, the Secretary may consider, under 34 CFR 75.253, the extent to which a grantee has made ''substantial progress toward meeting the objectives in its approved application.'' This consideration includes the review of a grantee's progress in meeting the targets and projected outcomes in its approved application, and whether the grantee has expended funds in a manner that is consistent with its approved application and budget. In making a continuation grant, the Secretary also considers whether the grantee is operating in compliance with the assurances in its approved application, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

VII. Agency Contact

FOR FURTHER INFORMATION CONTACT: Marlene Spencer, U.S. Department of Education, 400 Maryland Avenue SW., room 5133, PCP, Washington, DC 20202–2700. Telephone: (202) 245–7532 or by email: *marlene.spencer@ed.gov.*

If you use a TDD or a TTY, call the Federal Relay Service (FRS), toll free, at 1–800–877–8339.

VIII. Other Information

Accessible Format: Individuals with disabilities can obtain this document and a copy of the application package in an accessible format (e.g., braille, large print, audiotape, or compact disc) by contacting the Grants and Contracts Services Team, U.S. Department of Education, 400 Maryland Avenue SW., room 5075, PCP, Washington, DC 20202–2550. Telephone: (202) 245–7363. If you use a TDD or a TTY, call the FRS, toll-free, at 1–800–877–8339.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register.** Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available via the Federal Digital System at: *www.gpo.gov/fdsys.* At this site you can view this document, as well as all other documents of this Department published in the **Federal Register,** in text or Adobe Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at: *www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Dated: June 6, 2013.

Michael K. Yudin,

Delegated the authority to perform the functions and the duties of the Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 2013–13853 Filed 6–10–13; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Orders Granting Authority to Import and Export Natural Gas, and to Import Liquefied Natural Gas During April 2013

	FE Docket Nos.
NEXEN ENERGY MARKETING SERVICES NG U.S.A. INC.	13–35–NG
APS–AMERICAN POWER SUPPLY, LLC	13–38–LNG
CP ENERGY MARKETING (US) INC.	13–39–NG
GAZ METRO SOLUTIONS TRANSPORT	13–40–LNG
MIECO INC.	13–41–NG
CASCADE NATURAL GAS CORPORATION	13–43–NG
ENCANA MARKETING (USA) INC.	13–44–NG
CITIGROUP ENERGY INC.	13–45–LNG
CENTRA GAS MANITOBA INC.	13–46–NG

AGENCY: Office of Fossil Energy, Department of Energy (DOE).

ACTION: Notice of orders.

SUMMARY: The Office of Fossil Energy (FE) of the Department of Energy gives notice that during April 2013, it issued orders granting authority to import and export natural gas and to import liquefied natural gas. These orders are summarized in the attached appendix and may be found on the FE Web site at *http://www.fossil.energy.gov/programs/gasregulation/authorizations/Orders-2012.html.* They are also available for inspection and copying in the Office of Fossil Energy, Office of Natural Gas Regulatory Activities, Docket Room 3E–033, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–9478. The Docket Room is open between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, on May 29, 2013.

John A. Anderson,

Manager, Natural Gas Regulatory Activities, Office of Oil and Gas Global Security and Supply, Office of Fossil Energy.

Appendix—DOE/FE Orders Granting Import/Export Authorizations

Order No.	Date issued	FE Docket No.	Authorization holder	Description of action
3265	04/12/13	13–35–NG	Nexen Energy Marketing Services U.S.A. Inc.	Order granting blanket authority to import/export natural gas from/to Canada/Mexico.
3266	04/12/13	13–38–LNG	APS-American Power Supply, LLC.	Order granting blanket authority to import natural gas from Canada and to import LNG from various international sources by vessel.
3267	04/12/13	13–39–NG	CP Energy Marketing (US) Inc.	Order granting blanket authority to import/export natural gas from/to Canada.
3268	04/12/13	13–40–LNG	Gaz Metro Solutions Transport.	Order granting blanket authority to import LNG from Canada by truck.
3269	04/12/13	13–41–NG	Mieco Inc.	Order granting blanket authority to import/export natural gas from/to Canada.
3270	04/12/13	13–43–NG	Cascade Natural Gas Corporation.	Order granting blanket authority to import natural gas from Canada.
3271	04/12/13	13–44–NG	Encana Marketing (USA) Inc.	Order granting blanket authority to import/export natural gas from/to Canada/Mexico.
3272	04/12/13	13–45–LNG	Citigroup Energy Inc.	Order granting blanket authority to import LNG from various international sources by vessel.
3273	04/12/13	11–46–NG	Centra Gas Manitoba Inc.	Order granting blanket authority to import/export natural gas from/to Canada.

[FR Doc. 2013–13789 Filed 6–10–13; 8:45 am]
BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2146–140]

Alabama Power Company; Notice of Application Accepted for Filing, Soliciting Comments, Motions to Intervene, And Protests

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Non-project use of project lands and waters.

b. *Project No:* 2146–140.

c. *Date Filed:* April 16, 2013.

d. *Applicant:* Alabama Power Company.

e. *Name of Project:* Coosa River Hydroelectric Project.

f. *Location:* Coosa River near the city of Gadsden, in Etowah County, in northeastern Alabama.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C .791a–825r.

h. *Applicant Contact:* Ms. Amy J. Stewart, PE, Team Leader, Alabama Power Company, 600 18th Street North, Birmingham, AL 35203–8180, (205) 257–1000.

i. *FERC Contact:* Mary Karwoski, (202) 502–6543, or email: *mary.karwoski@ferc.gov.*

j. *Deadline for filing comments, motions to intervene, and protests:* July 8, 2013.

All documents may be filed electronically via the Internet. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site at *http://www.ferc.gov/docs-filing/efiling.asp.* If unable to be filed electronically, documents may be paper-filed. To paper-file, an original and seven copies should be mailed to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. Please include the project number (P–2146–140) on any comments or motions filed.

k. *Description of Application:* Alabama Power Company requests Commission approval to grant River Country Campground a permit to use project lands and waters to construct two forty-foot fishing piers with no cleats and a pier with twelve boat slips accommodating up to fifty watercraft. The proposed boat slips are each 22 feet wide by 24 feet long and can accommodate up to four personal watercraft (including but not limited to jet-skis), plus two watercraft on the end. River Country Campground operates an existing RV Campground on the Neely-Henry Development in Gadsden, Alabama. The facility currently includes a single lane boat ramp, a courtesy dock accommodating up to six watercraft, three wooden docks with no cleats, rip-rap along the shoreline, and two water intake structures for irrigation.

l. *Locations of the Application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE., Room 2A, Washington, DC 20426, or by calling (202) 502–8371. This filing may also be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field (P–2146) to access the document. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call 1–866–208–3676 or email *FERCOnlineSupport@ferc.gov,* for TTY, call (202) 502–8659. A copy is also available for inspection and reproduction at the address in item (h) above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214, respectively. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. *Filing and Service of Documents:* Any filing must (1) bear in all capital letters the title ''COMMENTS'', ''PROTEST'', or ''MOTION TO INTERVENE'' as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person commenting, protesting or intervening;

and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis. Any filing made by an intervener must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 385.2010.

Dated: June 4, 2013.

Kimberly D. Bose,

Secretary.

[FR Doc. 2013–13812 Filed 6–10–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 14490–000]

FFP Project 118, LLC; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions to Intervene, and Competing Applications

On February 1, 2013, FFP Project 118, LLC filed an application for a preliminary permit, pursuant to section 4(f) of the Federal Power Act (FPA), proposing to study the feasibility of a hydropower project located at the U.S. Army Corps of Engineers' (Corps) Green River Lock & Dam #1, located on the Green River near the town of Henderson in Henderson County, Kentucky. The sole purpose of a preliminary permit, if issued, is to grant the permit holder priority to file a license application during the permit term. A preliminary permit does not authorize the permit holder to perform any land-disturbing activities or otherwise enter upon lands or waters owned by others without the owners' express permission.

The proposed project would consist of the following: (1) A 650-foot-long, 320-foot-wide intake channel with a 150-foot-long retaining wall; (2) a 400-foot-long crest dam extension connecting the existing dam to the new powerhouse; (3) a 160-foot-long, 120-foot-wide powerhouse containing two generating units with a total capacity of 5.6 megawatts; (4) a 220-foot-long, 160-foot-wide tailrace with a 75-foot-long retaining wall; (5) a 4.16/69 kilo-volt (kV) substation; (6) a 310-foot-long access road to the powerhouse and substation; (7) a 2.0-mile-long, 69kV transmission line. The proposed project would have an average annual generation of 27,000 megawatt-hours, and operate as directed by the Corps.

Applicant Contact: Ms. Ramya Swaminathan, Free Flow Power Corporation, 239 Causeway Street, Suite 300, Boston, MA 02114. (978) 283–2822.

FERC Contact: Christiane Casey, *christiane.casey@ferc.gov*, (202) 502–8577.

Deadline for filing comments, motions to intervene, competing applications (without notices of intent), or notices of intent to file competing applications: 60 days from the issuance of this notice. Competing applications and notices of intent must meet the requirements of 18 CFR 4.36. Comments, motions to intervene, notices of intent, and competing applications may be filed electronically via the Internet. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll free at 1–866–208–3676, or for TTY, (202) 502–8659. Although the Commission strongly encourages electronic filing, documents may also be paper-filed. To paper-file, mail an original and five copies to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

More information about this project, including a copy of the application, can be viewed or printed on the ''eLibrary'' link of Commission's Web site at *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the docket number (P–14490) in the docket number field to access the document. For assistance, contact FERC Online Support.

Dated: June 5, 2013.

Kimberly D. Bose,

Secretary.

[FR Doc. 2013–13807 Filed 6–10–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER12–2159–003.

Applicants: Canadian Hills Wind, LLC.

Description: Notice of Non-Material Change in Status of Canadian Hills Wind, LLC.

Filed Date: 6/3/13.

Accession Number: 20130603–5167.

Comments Due: 5 p.m. ET 6/24/13.

Docket Numbers: ER13–535–003.

Applicants: PJM Interconnection, L.L.C.

Description: Compliance Filing to 5/2/2013 MOPR Order in ER13–535–000, 001 to be effective 2/5/2013.

Filed Date: 6/3/13.

Accession Number: 20130603–5162.

Comments Due: 5 p.m. ET 6/24/13.

Docket Numbers: ER13–692–004.

Applicants: Midcontinent Independent System Operator, Inc.

Description: 06–03–2013 OASIS Compliance Filing to be effective 6/4/2013.

Filed Date: 6/4/13.

Accession Number: 20130604–5000.

Comments Due: 5 p.m. ET 6/25/13.

Docket Numbers: ER13–983–000.

Applicants: Arizona Public Service Company.

Description: Refund Report for MPP Westwing Substation Interconnection Construction Agreement to be effective N/A.

Filed Date: 6/3/13.

Accession Number: 20130603–5147.

Comments Due: 5 p.m. ET 6/24/13.

Docket Numbers: ER13–1346–000.

Applicants: Mesa Wind Power Corporation.

Description: Supplement to April 26, 2013 Mesa Wind Power Corporation tariff filing.

Filed Date: 6/3/13.

Accession Number: 20130603–5120.

Comments Due: 5 p.m. ET 6/24/13.

Docket Numbers: ER13–1630–000.

Applicants: California Independent System Operator Corporation, AES Huntington Beach, L.L.C.

Description: Amendments to RMR Agreement to be effective 6/26/2013.

Filed Date: 6/3/13.

Accession Number: 20130603–5161.

Comments Due: 5 p.m. ET 6/24/13.

Docket Numbers: ER13–1631–000.

Applicants: Midcontinent Independent System Operator, Inc.

Description: Request for Waiver of certain tariff provisions of Midcontinent Independent System Operator, Inc.

Filed Date: 6/4/13.

Accession Number: 20130604–5039.

Comments Due: 5 p.m. ET 6/25/13.

Docket Numbers: ER13–1632–000.

Applicants: Chandler Wind Partners, LLC.

Description: Chandler Wind Partners, LLC submits First Revised MBR to be effective 6/5/2013.

Filed Date: 6/4/13.
Accession Number: 20130604–5065.
Comments Due: 5 p.m. ET 6/25/13.
Docket Numbers: ER13–1633–000.
Applicants: Westar Energy, Inc.
Description: Westar Energy, Inc. submits Nemaha-Marshall Electric Cooperative Association, Inc. to be effective 6/1/2013.
Filed Date: 6/4/13.
Accession Number: 20130604–5090.
Comments Due: 5 p.m. ET 6/25/13.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: June 4, 2013.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2013–13767 Filed 6–10–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Docket Numbers: RP13–964–000.
Applicants: Iroquois Gas Transmission System, L.P.
Description: 06/03/13 Negotiated Rates—Tenaska Marketing Ventures (RTS) 2835–15 & 16 to be effective 6/1/2013.
Filed Date: 6/3/13.
Accession Number: 20130603–5008.
Comments Due: 5 p.m. ET 6/17/13.
Docket Numbers: RP13–965–000.
Applicants: Gulf South Pipeline Company, LP.
Description: Amendment to Neg Rate Agmt (Devon 34694–50) to be effective 6/1/2013.
Filed Date: 6/3/13.
Accession Number: 20130603–5067.
Comments Due: 5 p.m. ET 6/17/13.
Docket Numbers: RP13–966–000.
Applicants: Gulf South Pipeline Company, LP.
Description: Cap Rel Neg Rate Agmt (QEP 37657 to BP 40994) to be effective 6/1/2013.
Filed Date: 6/3/13.
Accession Number: 20130603–5068.
Comments Due: 5 p.m. ET 6/17/13.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: June 4, 2013.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2013–13768 Filed 6–10–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL13–69–000]

Prairie Power, Inc. v. Ameren Services Company, Ameren Illinois Company, Ameren Transmission Company of Illinois; Notice of Complaint

Take notice that on May 31, 2013, pursuant to section 206 of the Federal Power Act (FPA), 16 USC 825(e) and Rule 206 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 CFR 385.206, Prairie Power, Inc. (Complainant) filed a formal complaint against Ameren Services Company, Ameren Illinois Company and Ameren Transmission Company of Illinois (together Ameren or Respondents), alleging that Ameren has violated provisions of the Midcontinent Independent System Operator's Agreement of Transmission Facilities Owners to organize the Midwest Independent Transmission System Operator, Inc., a Delaware Non-Stock Corporation.

Prairie Power, Inc. certifies that copies of the complaint were served on the contacts for the Respondent as listed on the Commission's list of Corporate Officials.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. The Respondent's answer and all interventions, or protests must be filed on or before the comment date. The Respondent's answer, motions to intervene, and protests must be served on the Complainants.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern Time on June 20, 2013.

Dated: June 4, 2013.

Kimberly D. Bose,

Secretary.

[FR Doc. 2013–13811 Filed 6–10–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 14332–000–NH]

Historic Harrisville, Inc.; Notice of Availability of Environmental Assessment

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's regulations, 18 CFR Part 380 (Order No. 486, 52 FR 47879), the Office of Energy Projects has reviewed the application for exemption from licensing for the Cheshire Mills Hydroelectric Project, to be located on Nubanusit Brook, in the town of Harrisville, Cheshire County, New Hampshire, and has prepared an Environmental Assessment (EA). In the EA, Commission staff analyzes the potential environmental effects of the project and concludes that issuing an exemption for the project, with appropriate environmental measures, would not constitute a major federal action significantly affecting the quality of the human environment.

A copy of the EA is on file with the Commission and is available for public inspection. The EA may also be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number, excluding the last three digits in the docket number field, to access the document. For assistance, contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at 1–866–208–3676, or for TTY, (202) 502–8659. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

For further information, contact Brandon Cherry at (202) 502–8328 or *brandon.cherry@ferc.gov*.

Dated: June 4, 2013.

Kimberly D. Bose,

Secretary.

[FR Doc. 2013–13808 Filed 6–10–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. PR13–50–000]

Dow Intrastate Gas Company; Notice of Petition for Rate Approval

Take notice that on May 31, 2013, Dow Intrastate Gas Company filed a petition for rate approval pursuant to Section 284.123(b)(2) of the Commission's regulations for approval of a new rate applicable to interruptible transportation service and to revise its Statement of Operating Conditions, as more fully detailed in the petition.

Any person desiring to participate in this rate filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the date as indicated below. Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 7 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern Time on Friday, June 14, 2013.

Dated: June 4, 2013.

Kimberly D. Bose,

Secretary.

[FR Doc. 2013–13810 Filed 6–10–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 13642–002]

GB Energy Park, LLC; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

On May 1, 2013, GB Energy Park, LLC filed an application for a preliminary permit, pursuant to section 4(f) of the Federal Power Act (FPA), proposing to study the feasibility of the Gordon Butte Pumped Storage Project (project) to be located near Martinsdale, Meagher County, Montana. The sole purpose of a preliminary permit, if issued, is to grant the permit holder priority to file a license application during the permit term. A preliminary permit does not authorize the permit holder to perform any land-disturbing activities or otherwise enter upon lands or waters owned by others without the owners' express permission.

The proposed project would consist of the following:

Upper Reservoir

(1) A new 50-foot-high, 9,000-foot-long earthen and roller compacted concrete embankment; (2) a new 3,000-foot-long, 1,000-foot-wide, 50- to 75-foot-deep upper reservoir, with a surface area of 50 acres and a storage capacity of 4,050 acre-feet at a normal maximum surface elevation of 6,020 feet; (3) a new 25-foot-diameter, 4,000-foot-long concrete- and steel-lined horizontal tunnel conveying flows to the powerhouse; and (4) a new powerhouse adjacent to the lower reservoir containing four 100-megawatt (MW) turbine generator units having a total installed capacity of 400 MW.

Lower Reservoir

(1) A new 50-foot-high, 10,000-foot-long earthen and roller compacted concrete embankment; (2) a new 5,000-foot-long, 1,000-foot-wide, 50- to 75-foot-deep lower reservoir with a surface area of 80 acres and a storage capacity of 4,050 acre-feet at a normal maximum surface elevation of 4,990 feet; (3) option of three flow lines: (a) An existing canal carrying flows diverted from Cottonwood Creek by an existing

diversion structure to the project; (b) a new pipeline to convey flows to the project from Martinsdale reservoir; or (c) a private reservoir; (4) a new substation; (5) option of two transmission lines: (a) A new 5.7-mile-long, 500-kilovolt (kV) transmission line interconnecting with an existing 500-kV line, or (b) a new 1.1-mile-long, 100-kV transmission line interconnecting to an existing 100-kV line; (6) new 20-foot-wide gravel access roads along the outside and top of both reservoirs' embankments; and (7) appurtenant facilities.

The proposed project would have an average annual generation of 1,300 gigawatt-hours.

Applicant Contact: Mr. Carl Borgquist, GB Energy Park, LLC, P.O. Box 309, Bozeman, MT 59771; phone: (406) 585–3006.

FERC Contact: Dianne Rodman; phone: (202) 502–6077.

Deadline for filing comments, motions to intervene, competing applications (without notices of intent), or notices of intent to file competing applications: 60 days from the issuance of this notice. Competing applications and notices of intent must meet the requirements of 18 CFR 4.36. Comments, motions to intervene, notices of intent, and competing applications may be filed electronically via the Internet. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site *http://www.ferc.gov/docs-filing/efiling.asp*. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll free at 1–866–208–3676, or for TTY, (202) 502–8659. Although the Commission strongly encourages electronic filing, documents may also be paper-filed. To paper-file, mail an original and five copies to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

More information about this project, including a copy of the application, can be viewed or printed on the ''eLibrary'' link of Commission's Web site at *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the docket number (P–13642) in the docket number field to access the document. For assistance, contact FERC Online Support.

Dated: June 5, 2013.

Kimberly D. Bose,

Secretary.

[FR Doc. 2013–13802 Filed 6–10–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 14485–000; Project No. 14485–000]

FFP Project 58, LLC; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

On February 1, 2013, FFP Project 58, LLC filed an application for a preliminary permit, pursuant to section 4(f) of the Federal Power Act (FPA), proposing to study the feasibility of a hydropower project at the Kentucky River Lock and Dam #6 located on the Kentucky River near the town of Salvisa in Mercer and Woodford Counties, Kentucky. The sole purpose of a preliminary permit, if issued, is to grant the permit holder priority to file a license application during the permit term. A preliminary permit does not authorize the permit holder to perform any land-disturbing activities or otherwise enter upon lands or waters owned by others without the owners' express permission.

The proposed project would consist of the following: (1) A 465-foot-long, 34-foot-high timber crib dam; (2) a reservoir with a surface area of 940 acres and a storage capacity of 16,310 acre-feet; (3) a 300-foot-long, 160-foot-wide intake channel with a 70-foot-long retaining wall; (4) a 140-foot-long, 70-foot-wide powerhouse containing two generating units with a total capacity of 6.0 megawatts; (5) a 180-foot-long, 130-foot-wide tailrace with a 70-foot-long retaining wall; (6) a 4.16/34.5 kilo-Volt (kV) substation; (7) a 4.3-mile-long, 34.5 kV transmission line. The project would have an average annual generation of 23,700 megawatt-hours.

Applicant Contact: Ms. Ramya Swaminathan, Free Flow Power Corporation, 239 Causeway Street, Suite 300, Boston, MA 02114. (978) 283–2822.

FERC Contact: Chris Casey, christiane.casey@ferc.gov, (202) 502–8577.

Deadline for filing comments, motions to intervene, competing applications (without notices of intent), or notices of intent to file competing applications: 60 days from the issuance of this notice. Competing applications and notices of intent must meet the requirements of 18 CFR 4.36. Comments, motions to intervene, notices of intent, and competing applications may be filed electronically via the Internet. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site *http://www.ferc.gov/docs-filing/efiling.asp*. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp*. You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll free at 1–866–208–3676, or for TTY, (202) 502–8659. Although the Commission strongly encourages electronic filing, documents may also be paper-filed. To paper-file, mail an original and five copies to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

More information about this project, including a copy of the application, can be viewed or printed on the ''eLibrary'' link of Commission's Web site at *http://www.ferc.gov/docs-filing/elibrary.asp*. Enter the docket number (P–14485) in the docket number field to access the document. For assistance, contact FERC Online Support.

Dated: June 5, 2013.

Kimberly D. Bose,

Secretary.

[FR Doc. 2013–13803 Filed 6–10–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 14522–000]

FFP Project 132, LLC; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

On May 20, 2013, FFP Project 132, LLC filed an application for a preliminary permit, pursuant to section 4(f) of the Federal Power Act (FPA), proposing to study the feasibility of the Allegheny Lock and Dam #7 Hydroelectric Project (Allegheny #7 Project or project) to be located at the U.S. Army Corps of Engineers' (Corps) Allegheny Lock and Dam #7 on the Allegheny River in Armstrong County, Pennsylvania. The sole purpose of a preliminary permit, if issued, is to grant

the permit holder priority to file a license application during the permit term. A preliminary permit does not authorize the permit holder to perform any land-disturbing activities or otherwise enter upon lands or waters owned by others without the owners' express permission.

The proposed project would consist of the following: (1) A new forebay 160 feet wide by 160 feet long; (2) a new powerhouse 160 feet wide by 125 feet long; (3) a new tailrace 160 feet wide by 200 feet long; (4) new concrete retaining walls upstream of the dam spillway and downstream of the new powerhouse; (5) three horizontal bulb turbine-generators each rated at 5.5 megawatts; (6) a 50-megavolt-ampere, 4.16-kilovolt (kV)/69-kV three-phase step-up transformer; (7) a new substation 40 feet wide by 40 feet long; and (8) a new 69-kV transmission line approximately 2.3 miles long from the new substation to an existing substation. The estimated annual generation of the Allegheny #7 Project would be 89 gigawatt-hours.

Applicant Contact: Mr. Daniel Lissner, FFP Project 132, LLC, 239 Causeway Street, Suite 300, Boston, MA 02114; phone: (978) 283–2822.

FERC Contact: Woohee Choi; phone: (202) 502–6336.

Deadline for filing comments, motions to intervene, competing applications (without notices of intent), or notices of intent to file competing applications: 60 days from the issuance of this notice. Competing applications and notices of intent must meet the requirements of 18 CFR 4.36. Comments, motions to intervene, notices of intent, and competing applications may be filed electronically via the Internet. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site *http://www.ferc.gov/docs-filing/efiling.asp*. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp*. You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at FERCOnlineSupport@ferc.gov or toll free at 1–866–208–3676, or for TTY, (202) 502–8659. Although the Commission strongly encourages electronic filing, documents may also be paper-filed. To paper-file, mail an original and five copies to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

More information about this project, including a copy of the application, can be viewed or printed on the ''eLibrary'' link of the Commission's Web site at *http://www.ferc.gov/docs-filing/elibrary.asp*. Enter the docket number (P–14522) in the docket number field to access the document. For assistance, contact FERC Online Support.

Dated: June 4, 2013.

Kimberly D. Bose,

Secretary.

[FR Doc. 2013–13809 Filed 6–10–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 14488–000]

FFP Project 55, LLC; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

On February 1, 2013, FFP Project 55, LLC filed an application for a preliminary permit, pursuant to section 4(f) of the Federal Power Act (FPA), proposing to study the feasibility of a hydropower project located at the U.S. Army Corps of Engineers' (Corps) Kentucky River Lock & Dam #2, located on the Kentucky River near the town of Gratz in Henry and Owen Counties, Kentucky. The sole purpose of a preliminary permit, if issued, is to grant the permit holder priority to file a license application during the permit term. A preliminary permit does not authorize the permit holder to perform any land-disturbing activities or otherwise enter upon lands or waters owned by others without the owners' express permission.

The proposed project would consist of the following: (1) A 310-foot-long, 170-foot-wide intake channel with a 100-foot-long retaining wall; (2) a 150-foot-long, 100-foot-wide powerhouse containing two generating units with a total capacity of 7.4 megawatts; (3) a 200-foot-long, 130-foot-wide tailrace with a 100-foot-long retaining wall; (4) a 4.16/34.5 kilo-volt (kV) substation; (5) a 2.0-mile-long, 34.5kV transmission line. The proposed project would have an average annual generation of 29,000 megawatt-hours, and operate as directed by the Corps.

Applicant Contact: Ms. Ramya Swaminathan, Free Flow Power Corporation, 239 Causeway Street, Suite 300, Boston, MA 02114. (978) 283–2822.

FERC Contact: Christiane Casey, *christiane.casey@ferc.gov,* (202) 502–8577.

Deadline for filing comments, motions to intervene, competing applications (without notices of intent), or notices of intent to file competing applications: 60 days from the issuance of this notice. Competing applications and notices of intent must meet the requirements of 18 CFR 4.36. Comments, motions to intervene, notices of intent, and competing applications may be filed electronically via the Internet. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll free at 1–866–208–3676, or for TTY, (202) 502–8659. Although the Commission strongly encourages electronic filing, documents may also be paper-filed. To paper-file, mail an original and five copies to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

More information about this project, including a copy of the application, can be viewed or printed on the ''eLibrary'' link of Commission's Web site at *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the docket number (P–14487) in the docket number field to access the document. For assistance, contact FERC Online Support.

Dated: June 5, 2013.

Kimberly D. Bose,

Secretary.

[FR Doc. 2013–13806 Filed 6–10–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 14487–000]

FFP Project 56, LLC; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

On February 1, 2013, FFP Project 56, LLC filed an application for a preliminary permit, pursuant to section 4(f) of the Federal Power Act (FPA), proposing to study the feasibility of a hydropower project located at the U.S. Army Corps of Engineers' (Corps) Kentucky River Lock & Dam #3, located on the Kentucky River near the town of

Monterey in Henry and Owen Counties, Kentucky. The sole purpose of a preliminary permit, if issued, is to grant the permit holder priority to file a license application during the permit term. A preliminary permit does not authorize the permit holder to perform any land-disturbing activities or otherwise enter upon lands or waters owned by others without the owners' express permission.

The proposed project would consist of the following: (1) A 310-foot-long, 140-foot-wide intake channel with a 125-foot-long retaining wall; (2) a 150-foot-long, 100-foot-wide powerhouse containing two generating units with a total capacity of 7.1 megawatts; (3) a 260-foot-long, 130-foot-wide tailrace with a 125-foot-long retaining wall; (4) a 4.16/34.5 kilo-volt (kV) substation; (5) a 5.5-mile-long, 34.5kV transmission line. The proposed project would have an average annual generation of 28,100 megawatt-hours, and operate as directed by the Corps.

Applicant Contact: Ms. Ramya Swaminathan, Free Flow Power Corporation, 239 Causeway Street, Suite 300, Boston, MA 02114. (978) 283–2822.

FERC Contact: Christiane Casey, christiane.casey@ferc.gov, (202) 502–8577.

Deadline for filing comments, motions to intervene, competing applications (without notices of intent), or notices of intent to file competing applications: 60 days from the issuance of this notice. Competing applications and notices of intent must meet the requirements of 18 CFR 4.36. Comments, motions to intervene, notices of intent, and competing applications may be filed electronically via the Internet. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll free at 1–866–208–3676, or for TTY, (202) 502–8659. Although the Commission strongly encourages electronic filing, documents may also be paper-filed. To paper-file, mail an original and five copies to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

More information about this project, including a copy of the application, can be viewed or printed on the ''eLibrary'' link of Commission's Web site at *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the docket number (P–14487) in the docket number field to access the document. For assistance, contact FERC Online Support.

Dated: June 5, 2013.

Kimberly D. Bose,

Secretary.

[FR Doc. 2013–13805 Filed 6–10–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 14489–000]

FFP Project 119, LLC; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

On February 1, 2013, FFP Project 119, LLC filed an application for a preliminary permit, pursuant to section 4(f) of the Federal Power Act (FPA), proposing to study the feasibility of a hydropower project located at the U.S. Army Corps of Engineers' (Corps) Green River Lock & Dam #2, located on the Green River near the town of Calhoun in McLean County, Kentucky. The sole purpose of a preliminary permit, if issued, is to grant the permit holder priority to file a license application during the permit term. A preliminary permit does not authorize the permit holder to perform any land-disturbing activities or otherwise enter upon lands or waters owned by others without the owners' express permission.

The proposed project would consist of the following: (1) A 380-foot-long, 170-foot-wide intake channel; (2) a 200-foot-long crest dam extension connecting the existing dam to the new powerhouse; (3) a 160-foot-long, 100-foot-wide powerhouse containing two generating units with a total capacity of 8.9 megawatts; (4) a 240-foot-long, 180-foot-wide tailrace; (5) a 4.16/69 kilo-volt (kV) substation; (6) a 550-foot-long access road to the powerhouse and substation; (7) a 0.8-mile-long, 69kV transmission line. The proposed project would have an average annual generation of 42,800 megawatt-hours, and operate as directed by the Corps.

Applicant Contact: Ms. Ramya Swaminathan, Free Flow Power Corporation, 239 Causeway Street, Suite 300, Boston, MA 02114. (978) 283–2822.

FERC Contact: Christiane Casey, *christiane.casey@ferc.gov,* (202) 502–8577.

Deadline for filing comments, motions to intervene, competing applications (without notices of intent), or notices of intent to file competing applications: 60 days from the issuance of this notice. Competing applications and notices of intent must meet the requirements of 18 CFR 4.36. Comments, motions to intervene, notices of intent, and competing applications may be filed electronically via the Internet. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll free at 1–866–208–3676, or for TTY, (202) 502–8659. Although the Commission strongly encourages electronic filing, documents may also be paper-filed. To paper-file, mail an original and five copies to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

More information about this project, including a copy of the application, can be viewed or printed on the ''eLibrary'' link of Commission's Web site at *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the docket number (P–14489) in the docket number field to access the document. For assistance, contact FERC Online Support.

Dated: June 5, 2013.

Kimberly D. Bose,

Secretary.

[FR Doc. 2013–13801 Filed 6–10–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 14486–000]

FFP Project 57, LLC; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

On February 1, 2013, FFP Project 57, LLC filed an application for a preliminary permit, pursuant to section 4(f) of the Federal Power Act (FPA), proposing to study the feasibility of a hydropower project located at the U.S. Army Corps of Engineers' (Corps)

Kentucky River Lock & Dam #4, located on the Kentucky River near the town of Frankfort in Franklin County, Kentucky. The sole purpose of a preliminary permit, if issued, is to grant the permit holder priority to file a license application during the permit term. A preliminary permit does not authorize the permit holder to perform any land-disturbing activities or otherwise enter upon lands or waters owned by others without the owners' express permission.

The proposed project would consist of the following: (1) A 440-foot-long, 220-foot-wide intake channel with a 145-foot-long retaining wall; (2) a 140-foot-long, 90-foot-wide powerhouse containing two generating units with a total capacity of 6.8 megawatts; (3) a 300-foot-long, 125-foot-wide tailrace with a 145-foot-long retaining wall; (4) a 4.16/69 kilo-volt (kV) substation; (5) a 200-foot-long, 69kV transmission line. The proposed project would have an average annual generation of 26,700 megawatt-hours, and operate as directed by the Corps.

Applicant Contact: Ms. Ramya Swaminathan, Free Flow Power Corporation, 239 Causeway Street, Suite 300, Boston, MA 02114. (978) 283–2822.

FERC Contact: Christiane Casey, *christiane.casey@ferc.gov,* (202) 502–8577.

Deadline for filing comments, motions to intervene, competing applications (without notices of intent), or notices of intent to file competing applications: 60 days from the issuance of this notice. Competing applications and notices of intent must meet the requirements of 18 CFR 4.36. Comments, motions to intervene, notices of intent, and competing applications may be filed electronically via the Internet. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site *http://www.ferc.gov/docs-filing/efiling.asp*. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp*. You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll free at 1–866–208–3676, or for TTY, (202) 502–8659. Although the Commission strongly encourages electronic filing, documents may also be paper-filed. To paper-file, mail an original and five copies to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

More information about this project, including a copy of the application, can be viewed or printed on the ''eLibrary'' link of Commission's Web site at *http://www.ferc.gov/docs-filing/elibrary.asp*. Enter the docket number (P–14486) in the docket number field to access the document. For assistance, contact FERC Online Support.

Dated: June 5, 2013.

Kimberly D. Bose,

Secretary.

[FR Doc. 2013–13804 Filed 6–10–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Western Area Power Administration

Parker-Davis Project-Rate Order No. WAPA–162

AGENCY: Western Area Power Administration, DOE.

ACTION: Notice of Proposed Extension of Firm Electric and Transmission Service Formula Rates.

SUMMARY: The Western Area Power Administration (Western), a power marketing administration within the Department of Energy (DOE), is proposing to extend the existing firm electric and transmission service formula rates for the Parker-Davis Project (P–DP) through September 30, 2018. The existing Rate Schedules PD–F7, PD–FT7, PD–FCT7, and PD–NFT7 expire on September 30, 2013. This notice of proposed extension of rates is issued pursuant to 10 CFR 903.23(a). Publication of this **Federal Register** notice begins the formal process for the proposed extension of the formula rates.

DATES: A consultation and comment period will end on July 11, 2013. Western will accept oral and written comments any time during the consultation and comment period. In accordance with 10 CFR 903.23(a), Western has determined it is not necessary to hold a public information or public comment forum.

ADDRESSES: Send written comments to: Mr. Darrick Moe, Regional Manager, Desert Southwest Customer Service Region, Western Area Power Administration, P.O. Box 6457, Phoenix, AZ 85005–6457, email *moe@wapa.gov.* Written comments may also be faxed to (602) 605–2490, attention: Jack Murray. Western will post official comments received via letter, fax, and email to its Web site at *http://www.wapa.gov/dsw/pwrmkt/RateAdjust/Main.htm* after the close of the comment period. Western must receive written comments by the end of the consultation and comment period to ensure they are considered in Western's decision process.

FOR FURTHER INFORMATION CONTACT: Mr. Jack Murray, Rates Manager, Desert Southwest Customer Service Region, Western Area Power Administration, P.O. Box 6457, Phoenix, AZ 85005–6457, (602) 605–2442, email j*murray@wapa.gov.*

SUPPLEMENTARY INFORMATION: By Delegation Order No. 00–037.00, effective December 6, 2001, the Secretary of Energy delegated: (1) The authority to develop power and transmission rates to Western's Administrator; (2) the authority to confirm, approve, and place such rates into effect on an interim basis to the Deputy Secretary of Energy, and (3) the authority to confirm, approve, and place into effect on a final basis, to remand, or to disapprove such rates to the Federal Energy Regulatory Commission (FERC).

The existing rate schedules consist of separate rates for firm electric service, firm point-to-point transmission service, firm transmission service of Salt Lake City Area/Integrated Projects power, and non-firm point-to-point transmission service on the P–DP transmission system. Rate Schedules PD–F7, PD–FT7, PD–FCT7, and PD–NFT7 were approved under Rate Order No. WAPA–138 [1] for a 5-year period beginning on October 1, 2008, and ending September 30, 2013.

The existing firm electric and transmission service formula rates provide adequate revenue to pay all annual costs, including interest expense, and to repay investment within the allowable period. The rates are calculated annually to ensure repayment of the project within the cost recovery criteria set forth in DOE Order RA 6120.2.

Western is proposing no change at this time to the rate formulas. Since no changes are anticipated to the formula rates and the existing rate formulas provide sufficient revenue to recover all appropriate costs, Western proposes to extend the current rate schedules pursuant to 10 CFR 903.23(a).

All documents made or kept by Western for developing the proposed extension for the rate schedules are available for inspection and copying at the Desert Southwest Customer Service Regional Office, Western Area Power Administration, 615 South 43rd Avenue, Phoenix, AZ 85009–5313. These documents are also available on Western's Web site at: *http://*

[1] FERC confirmed and approved the rate schedules on a final basis through delegated order on February 27, 2009, in Docket No. EF08–5041–000 (126 FERC ¶ 62,157).

www.wapa.gov/dsw/pwrmkt/RateAdjust/Main.htm.

After review of public comments, Western will take further action on the proposed extension of formula rates consistent with 10 CFR part 903.

Dated: May 28, 2013.

Mark A. Gabriel,

Administrator.

[FR Doc. 2013–13791 Filed 6–10–13; 8:45 am]

BILLING CODE 6450–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OECA–2013–0298, 0303, 0311—0312, 0315, 0317, 0319, 0321—0328, 0347—0349, 0350—0356; FRL—9822–8]

Proposed Information Collection Request; Comment Request; See Item Specific ICR Titles Provided in the Text

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency is planning to submit an information collection request (ICR) (See item specific ICR title, EPA ICR Number, and OMB Control Number provided in the text) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). Before doing so, EPA is soliciting public comments on specific aspects of the proposed information collection as described below. This is a proposed extension of the ICR, see expiration date for each ICR provided in the text. An Agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: Comments must be submitted on or before August 12, 2013.

ADDRESSES: Submit your comments, referencing the Docket ID numbers provided for each item in the text, online using *www.regulations.gov* (our preferred method), by email to *docket.oeca@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW., Washington, DC 20460.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Learia Williams, Compliance Assessment and Media Programs Division, Office of Compliance, Mail Code 2227A, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone number: (202) 564–4113; fax number: (202) 564–0050; email address: *williams.learia@epa.gov.*

SUPPLEMENTARY INFORMATION: Supporting documents which explain in detail the information that the EPA will be collecting are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, EPA West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets.*

Pursuant to section 3506(c)(2)(A) of the PRA, EPA is soliciting comments and information to enable it to: (i) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility; (ii) evaluate the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (iii) enhance the quality, utility, and clarity of the information to be collected; and (iv) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses. EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval. At that time, EPA will issue another **Federal Register** notice to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB.

(1) *Docket ID Number:* EPA–HQ–OECA–2013–0303; *Title:* NSPS for Equipment Leaks of VOC in Petroleum Refineries (40 CFR Part 60, Subparts GGG and GGGa); *ICR Numbers:* EPA ICR Number 0983.13, OMB Control Number 2060–0067; *ICR Status:* This ICR is scheduled to expire on April 30, 2014.

Abstract: Owners or operators of the affected facilities must make one-time-only notifications. Owners or operators are also required to maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, or any period during which the monitoring system is inoperative. Monitoring requirements specific to equipment leaks of VOC in petroleum refineries provide information on which components are leaking VOCs. NSPS Subpart GGG references the compliance requirements of NSPS subpart VV, and NSPS subpart GGGa references the compliance requirements of NSPS subpart VVa. Owners or operators are required to periodically record information identifying leaking equipment, repair methods used to stop the leaks, and dates of repair. Semiannual reports are required to measure compliance with the standards of NSPS Subparts VV and VVa as referenced by NSPS subparts GGG and GGGa. These notifications, reports, and records are essential in determining compliance and are required, in general, of all sources subject to NSPS. Any owner or operator subject to the provisions of this part shall maintain a file of these measurements, and retain the file for at least two years following the date of such measurements, maintenance reports, and records.

Form Numbers: None

Respondents/affected entities: Petroleum refineries.

Respondent's obligation to respond: mandatory (40 CFR part 60, subparts GGG and GGGa)

Estimated number of respondents: 160 (total).

Frequency of response: Semiannually.

Total estimated burden: 24,525 hours (per year). Burden is defined at 5 CFR 1320.03(b)

Total estimated cost: $2,319,816 (per year), includes no annualized capital or operation & maintenance costs.

Changes in Estimates: There is no change in the labor hours in this ICR compared to the previous ICR. This is due to two considerations: (1) The regulations have not changed over the past three years and are not anticipated to change over the next three years; and (2) the growth rate for the respondents is very low, negative or non-existent. Therefore, the labor hours in the previous ICR reflect the current burden to the respondents and are reiterated in this ICR. However, there is an increase in burden costs due to an adjustment in labor rates.

(2) *Docket ID Number:* EPA–HQ–OECA–2013–0319; *Title:* NSPS for VOC Emissions from Petroleum Refinery Wastewater Systems (40 CFR Part 60, Subpart QQQ); *ICR Numbers:* EPA ICR Number 1136.11, OMB Control Number

2060–0172; *ICR Status:* This ICR is scheduled to expire on April 30, 2014.

Abstract: Owners and operators of petroleum refinery wastewater systems are required to keep records of design and operating specifications of all equipment installed to comply with the standards such as water seals, roof seals, control devices, and other equipment. This information is necessary to ensure that equipment design and operation specifications are met, and the source is in compliance with NSPS subpart QQQ.

Form Numbers: None

Respondents/affected entities: Petroleum refinery wastewater systems.

Respondent's obligation to respond: mandatory (40 CFR part 60, subpart QQQ)

Estimated number of respondents: 135 (total).

Frequency of response: Initially, occasionally, quarterly, and semiannually

Total estimated burden: 9,237 hours (per year). Burden is defined at 5 CFR 1320.03(b)

Total estimated cost: $840,361 (per year), includes $17,550 annualized capital or operation & maintenance costs.

Changes in Estimates: There is no change in the labor hours in this ICR compared to the previous ICR. This is due to two considerations: (1) The regulations have not changed over the past three years and are not anticipated to change over the next three years; and (2) the growth rate for the respondents is very low, negative or non-existent. Therefore, the labor hours in the previous ICR reflect the current burden to the respondents and are reiterated in this ICR. However, there is an increase in burden costs due to an adjustment in labor rates.

(3) *Docket ID Number:* EPA–HQ–OECA–2013–0325; *Title:* NESHAP for Benzene Emission from Benzene Storage Vessels and Coke By-Product Recovery Plants (40 CFR Part 61, Subparts L and Y); *ICR Numbers:* EPA ICR Number 1080.14, OMB Control Number 2060–0185; *ICR Status:* This ICR is scheduled to expire on April 30, 2014.

Abstract: The affected entities are subject to the General Provisions of the NESHAP at 40 CFR part 61, subpart A, and to the provisions at 40 CFR part 61, subpart L. Owners or operators of the affected facilities must submit a one-time-only report of any physical or operational changes, initial performance tests, and periodic reports and results. Owners or operators are also required to maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, or any period during which the monitoring system is inoperative. Reports are required semiannually at a minimum.

Form Numbers: None

Respondents/affected entities: Owners or operators of benzene storage vessels and coke by product recovery plants.

Respondent's obligation to respond: mandatory (40 CFR part 61, subparts L and Y)

Estimated number of respondents: 17 (total).

Frequency of response: Semiannually and occasionally.

Total estimated burden: 3,137 hours (per year). Burden is defined at 5 CFR 1320.03(b)

Total estimated cost: $294,347 (per year), includes $0 annualized capital or operation & maintenance costs.

Changes in Estimates: There is no change in the labor hours in this ICR compared to the previous ICR. This is due to two considerations: (1) the regulations have not changed over the past three years and are not anticipated to change over the next three years; and (2) the growth rate for the respondents is very low, negative or non-existent. Therefore, the labor hours in the previous ICR reflect the current burden to the respondents and are reiterated in this ICR. However, there is an increase in burden costs due to an adjustment in labor rates.

(4) *Docket ID Number:* EPA–HQ–OECA–2013–0350; *Title:* The Consolidated Air Rule (CAR) for the Synthetic Organic Chemical Manufacturing Industry (SOCMI) (Renewal); *ICR Numbers:* EPA ICR Number 1854.09, OMB Control Number 2060–0443; *ICR Status:* This ICR is scheduled to expire on April 30, 2014.

Abstract: The synthetic organic chemical manufacturing industry (SOCMI) is regulated by the New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAP) standards. The affected entities are subject to the General Provisions of the NSPS at 40 CFR part 60, subpart A, and any changes or additions to the General Provisions specified at 40 CFR part 60, subparts Ka, Kb, VV, VVa, DDD, III, NNN and RRR. The affected entities are also subject to the General Provisions of the NESHAP at 40 CFR part 63, subpart A, and any changes, or additions to the General Provisions specified at 40 CFR part 63, subparts BB, Y, V, F, G, H and I. As an alternative, SOCMI sources may choose to comply with the above standards under the consolidated air rule (CAR) at 40 CFR Part 65 as promulgated December 14, 2000. Synthetic organic chemical manufacturing facilities subject to NSPS requirements must notify EPA of construction, modification, startups, shutdowns, date and results of initial performance test and excess emissions. Semiannual reports are also required. Synthetic organic chemical manufacturing facilities subject to NESHAP requirements must submit one-time-only reports of any physical or operational changes and the results of initial performance tests. Owners or operators are also required to maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, or any period during which the monitoring system is inoperative. Periodic reports are also required semiannually at a minimum.

Form Numbers: None

Respondents/affected entities: Owners or operators of synthetic organic chemical manufacturing facilities.

Respondent's obligation to respond: mandatory (40 CFR part 60, subpart A, Ka, Kb, VV, VVa, DDD, III, NNN and RRR; and 40 CFR part 63, subpart A, BB, Y, V, F, G, H and I)

Estimated number of respondents: 3,311 (total).

Frequency of response: Initially, occasionally, semiannually and annually.

Total estimated burden: 1,988,952 hours (per year). Burden is defined at 5 CFR 1320.03(b)

Total estimated cost: $283,462,406 (per year), includes $95,329,000 annualized capital or operation & maintenance costs.

Changes in Estimates: There is no change in the labor hours in this ICR compared to the previous ICR. This is due to two considerations: (1) The regulations have not changed over the past three years and are not anticipated to change over the next three years; and (2) the growth rate for the respondents is very low, negative or non-existent. Therefore, the labor hours in the previous ICR reflect the current burden to the respondents and are reiterated in this ICR. However, there is an increase in burden costs due to an adjustment in labor rates.

(5) *Docket ID Number:* EPA–HQ–OECA–2013–0355; *Title:* NESHAP for Clay Ceramics Manufacturing, Glass Manufacturing and Secondary Nonferrous Metals Processing Area Sources (40 CFR Part 63, Subparts RRRRRR, SSSSSS, and TTTTTT); *ICR Numbers:* EPA ICR Number 2274.04, OMB Control Number 2060–0606; *ICR Status:* This ICR is scheduled to expire on April 30, 2014.

Abstract: The affected entities are subject to the General Provisions of the

NESHAP at 40 CFR part 63, subpart A, and any changes, or additions to the Provisions specified at 40 CFR part 63, subparts RRRRRR, SSSSSS, and TTTTTT. Owners or operators of the affected facilities must submit a one-time-only report of any physical or operational changes, initial performance tests, and periodic reports and results. Owners or operators are also required to maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, or any period during which the monitoring system is inoperative. Reports are required semiannually at a minimum.

Form Numbers: None

Respondents/affected entities: Owners or operators of clay ceramics manufacturing, glass manufacturing, and secondary nonferrous metals processing area sources.

Respondent's obligation to respond: mandatory (40 CFR part 63, subparts RRRRRR, SSSSSS, and TTTTTT)

Estimated number of respondents: 82 (total).

Frequency of response: Initially, occasionally and annually.

Total estimated burden: 1,763 hours (per year). Burden is defined at 5 CFR 1320.03(b)

Total estimated cost: $178,380 (per year), includes $12,964 annualized capital or operation & maintenance costs.

Changes in Estimates: There is no change in the labor hours in this ICR compared to the previous ICR. This is due to two considerations: (1) The regulations have not changed over the past three years and are not anticipated to change over the next three years; and (2) the growth rate for the respondents is very low, negative or non-existent. Therefore, the labor hours in the previous ICR reflect the current burden to the respondents and are reiterated in this ICR. However, there is an increase in burden costs due to an adjustment in labor rates.

(6) *Docket ID Number:* EPA–HQ–OECA–2013–0353; *Title:* NSPS for Stationary Spark Ignition Internal Combustion Engines (40 CFR Part 60, Subpart JJJJ); *ICR Numbers:* EPA ICR Number 2227.04, OMB Control Number 2060–0610; *ICR Status:* This ICR is scheduled to expire on April 30, 2014.

Abstract: The affected entities are subject to the General Provisions of the NESHAP at 40 CFR part 63, subpart A, and any changes, or additions specified at 40 CFR part 63, subpart YYYYY. Owners or operators of the affected facilities must submit a one-time-only report of any physical or operational changes, initial performance tests, and periodic reports and results. Owners or operators are also required to maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, or any period during which the monitoring system is inoperative. Reports are required semiannually at a minimum.

Form Numbers: None

Respondents/affected entities: Owners or operators of electric arc furnace steelmaking facilities.

Respondent's obligation to respond: mandatory (40 CFR part 60, subpart JJJJ)

Estimated number of respondents: 91 (total).

Frequency of response: Initially, semiannually and occasionally.

Total estimated burden: 1,481 hours (per year). Burden is defined at 5 CFR 1320.03(b)

Total estimated cost: $138,991 (per year), includes $0 annualized capital or operation & maintenance costs.

Changes in Estimates: There is an increase in both respondent and Agency burden costs from the most recently approved ICR is due to an increase in the number of new or modified sources and an adjustment in labor rates.

(7) *Docket ID Number:* EPA–HQ–OECA–2013–0321; *Title:* NSPS for Sewage Sludge Incinerators (40 CFR Part 60, Subpart LLLL); *ICR Numbers:* EPA ICR Number 2369.03, OMB Control Number 2060–0658; *ICR Status:* This ICR is scheduled to expire on April, 30, 2014.

Abstract: The Standards of Performance for New Stationary Sources: Sewage Sludge Incineration (SSI) Units Subpart LLLL, fulfill the requirements of sections 111 and 129 of the Clean Air Act (CAA), which require EPA to promulgate NSPS for solid waste incineration units. The information collection activities required by the NSPS include: siting requirements, operator training and qualification requirements, testing, monitoring and reporting requirements, one-time and periodic reports, and the maintenance of records. These activities will enable the Designated Administrator to determine initial compliance with the emission limits for the regulated pollutants, monitor compliance with operating parameters, and ensure that facilities conduct the proper planning and operator training.

Form Numbers: None

Respondents/affected entities: Owners and operators of sewage sludge incineration units.

Respondent's obligation to respond: mandatory (40 CFR part 60, subpart LLLL)

Estimated number of respondents: 2 (total).

Frequency of response: Initially, annually, and occasionally.

Total estimated burden: 701 hours (per year). Burden is defined at 5 CFR 1320.03(b)

Total estimated cost: $271,590 (per year), includes $231,753 annualized capital or operation & maintenance costs.

Changes in Estimates: There is an adjustment in the total estimated burden as currently identified in the OMB Inventory of Approved Burdens. The change in the burden and cost estimates occurred because the standard has been in effect for more than three years and the requirements are different during initial compliance (new facilities) as compared to on-going compliance (existing facilities). The previous ICR reflected those burdens and costs associated with the initial activities for subject facilities. This includes purchasing monitoring equipment, conducting performance test(s) and establishing recordkeeping systems. This ICR, by in large, reflects the on-going burden and costs for existing facilities. Activities for existing source include continuously monitoring of pollutants and the submission of semiannual reports.

(8) *Docket ID Number:* EPA–HQ–OECA–2013–0317; *Title:* NESHAP for Gold Mine Ore Processing (40 CFR Part 63, Subpart EEEEEEE); *ICR Numbers:* EPA ICR Number 2383.03, OMB Control Number 2060–0659; *ICR Status:* This ICR is scheduled to expire on April 30, 2014.

Abstract: The NESHAP for Gold Mine Ore Processing (40 CFR Part 63, Subpart EEEEEEE) were proposed April 28, 2010, and promulgated on December 16, 2010. The owner or operator of an existing or new affected source is required to prepare and submit an initial notification of applicability and an initial notification of compliance status. Each owner or operator of an affected source is required to keep records to document compliance with the mercury emission limits and also maintain records of all monitoring data and specified process throughput data. If a deviation from the rule requirements occurs, an affected source is required to submit a compliance report for that semi-annual reporting period.

Form Numbers: None

Respondents/affected entities: Owners or operators of gold mine ore processing facilities.

Respondent's obligation to respond: mandatory (40 CFR part 63, subpart EEEEEEE)

Estimated number of respondents: 21 (total).

Frequency of response: Initially and quarterly.

Total estimated burden: 483 hours (per year). Burden is defined at 5 CFR 1320.03(b)

Total estimated cost: $444,777 (per year), includes $417,930 annualized capital or operation & maintenance costs.

Changes in Estimates: There is an adjustment in the total estimated burden because the standard has been in effect for more than three years and the requirements are different during initial compliance (new facilities) as compared to on-going compliance (existing facilities). The previous ICR reflected those burdens and costs associated with the initial activities for subject facilities. This includes purchasing monitoring equipment, conducting performance test(s) and establishing recordkeeping systems. This ICR, by in large, reflects the on-going burden and costs for existing facilities. Activities for existing source include continuously monitoring of pollutants and the submission of semiannual reports.

(9) *Docket ID Number:* EPA–HQ–OECA–2013–0311; *Title:* Emission Guidelines for Sewage Sludge Incinerators (40 CFR Part 60, Subpart MMMM); *ICR Numbers:* EPA ICR Number 2403.03, OMB Control Number 2060–0661; *ICR Status:* This ICR is scheduled to expire on May 31, 2014.

Abstract: This supporting statement addresses information collection activities imposed by the Sewage Sludge Incineration (SSI) Unit Emission Guidelines Subpart MMMM. The guidelines do not apply directly to SSI unit owners and operators. The guidelines can be thought of as model regulations that States use in developing State plans to implement the emission guidelines. If a State does not develop, adopt, and submit an approvable State plan, the Environmental Protection Agency (EPA) must develop a Federal plan to implement the emission guidelines. This ICR presents the burden to respondents (owners or operators of SSI units) and the Designated Administrator (State or Federal Government) that will be imposed by State plans developed to implement the emission guidelines. Respondents are owners or operators of existing SSI units, including fluidized bed or multiple hearth units.

Form Numbers: None

Respondents/affected entities: Owners and operators of sewage sludge incinerators.

Respondent's obligation to respond: mandatory (40 CFR part 60, subpart MMMM)

Estimated number of respondents: 110 (total).

Frequency of response: Initially and annually.

Total estimated burden: 39,350 hours (per year). Burden is defined at 5 CFR 1320.03(b)

Total estimated cost: $7,388,899 (per year), includes $7,388,899 annualized capital or operation & maintenance costs.

Changes in Estimates: There is an adjustment decrease in the total estimated burden since the standard has been in effect for three years. The previous ICR covers the burden for initial compliance during the first three years of rule promulgation. This ICR reflects the burden for ongoing compliance (existing sources).

(10) *Docket ID Number:* EPA–HQ–OECA–2013–0315; *Title:* NSPS for Commercial and Industrial Solid Waste Incineration (CISWI) units (40 CFR Part 60, Subpart CCCC); *ICR Numbers:* EPA ICR Number 2384.05, OMB Control Number 2060–0662; *ICR Status:* This ICR is scheduled to expire on May 31, 2014.

Abstract: The NSPS fulfills the requirements of sections 111 and 129 of the Clean Air Act (CAA), which require EPA to promulgate NSPS for solid waste incineration units. This final rule will amend the 2000 CISWI NSPS currently in affect.

The information collection activities required by the NSPS include: siting requirements, operator training and qualification requirements, testing, monitoring and reporting requirements, one-time and periodic reports, and the maintenance of records. These activities will enable EPA to determine initial compliance with the emission limits for the regulated pollutants, monitor compliance with operating parameters, and ensure that facilities conduct the proper planning and operator training.

Form Numbers: None

Respondents/affected entities: Owners and operators of commercial and industrial solid waste incineration units.

Respondent's obligation to respond: mandatory (40 CFR part 60, subpart CCCC)

Estimated number of respondents: 1 (total).

Frequency of response: Initially, occasionally, and annually.

Total estimated burden: 858 hours (per year). Burden is defined at 5 CFR 1320.03(b)

Total estimated cost: $171,524 (per year), includes $140,997 annualized capital or operation & maintenance costs.

Changes in Estimates: There is no change in the labor hours in this ICR compared to the previous ICR. This is due to two considerations: (1) The regulations have not changed over the past three years and are not anticipated to change over the next three years; and (2) the growth rate for the respondents is very low, negative or non-existent. Therefore, the labor hours in the previous ICR reflect the current burden to the respondents and are reiterated in this ICR. However, there is an increase in burden costs due to an adjustment in labor rates.

(11) *Docket ID Number:* EPA–HQ–OECA–2013–0326; *Title:* NSPS for Asphalt Processing and Roofing Manufacturing (40 CFR Part 60, Subpart UU); *ICR Numbers:* EPA ICR Number 0661.11, OMB Control Number 2060–0002; *ICR Status:* This ICR is scheduled to expire on June 30, 2014.

Abstract: Owners and operators must notify EPA of construction modification startups, shutdowns, malfunctions, and data and results of performance test. Owners/operators must continually monitor and record temperature in specified pollution control devices. EPA determines parameters to be recorded in other control devices upon description of that device by the source.

Form Numbers: None

Respondents/affected entities: Asphalt processing and roofing manufacturers

Respondent's obligation to respond: mandatory (40 CFR part 60, subpart UU)

Estimated number of respondents: 144 (total).

Frequency of response: Initially, and semiannually.

Total estimated burden: 33,912 hours (per year). Burden is defined at 5 CFR 1320.03(b)

Total estimated cost: $8,686,825 (per year), includes $5,240,000 annualized capital or operation & maintenance costs.

Changes in Estimates: There is an increase in both respondent and Agency burden costs from the most recently approved ICR is due to an increase in the number of new or modified sources and an adjustment in labor rates.

(12) *Docket ID Number:* EPA–HQ–OECA–2013–0328; *Title:* NESHAP for Vinyl Chloride (40 CFR Part 61, Subpart F); *ICR Numbers:* EPA ICR Number 0186.13, OMB Control Number 2060–0071; *ICR Status:* This ICR is scheduled to expire on June 30, 2014.

Abstract: The affected entities are subject to the General Provisions of the NESHAP at 40 CFR part 61, subpart A, and any changes, or additions to the

General Provisions specified at 40 CFR part 61, subpart F.

Owners or operators of the affected facilities must submit a one-time-only report of any physical or operational changes, initial performance tests, and periodic reports and results. Owners or operators are also required to maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, or any period during which the monitoring system is inoperative. Reports are required quarterly at a minimum.

Form Numbers: None

Respondents/affected entities: Owners or operators of vinyl chloride production facilities

Respondent's obligation to respond: mandatory (40 CFR part 61, subpart F)

Estimated number of respondents: 28 (total).

Frequency of response: Initially, quarterly, and occasionally.

Total estimated burden: 11,826 hours (per year). Burden is defined at 5 CFR 1320.03(b)

Total estimated cost: $2,369,531 (per year), includes $1,260,000 annualized capital or operation & maintenance costs.

Changes in Estimates: There is no change in the labor hours in this ICR compared to the previous ICR. This is due to two considerations: (1) The regulations have not changed over the past three years and are not anticipated to change over the next three years; and (2) the growth rate for the respondents is very low, negative or non-existent. Therefore, the labor hours in the previous ICR reflect the current burden to the respondents and are reiterated in this ICR. However, there is an increase in burden costs due to an adjustment in labor rates.

(13) *Docket ID Number:* EPA–HQ–OECA–2013–0349; *Title:* NESHAP for Pharmaceutical Production (40 CFR Part 63, Subpart GGG); *ICR Numbers:* EPA ICR Number 1781.07, OMB Control Number 2060–0358; *ICR Status:* This ICR is scheduled to expire on June 30, 2014.

Abstract: The NESHAP for Pharmaceuticals Production were proposed on April 2, 1997, and promulgated on September 21, 1998. In general, all NESHAP standards require initial notifications, performance tests, and periodic reports. Owners or operators are also required to maintain records of the occurrence and duration of any malfunctions in the operation of an affected facility, or any period during which the monitoring system is inoperative. These notifications, reports, and records are essential in determining compliance and, in general, are required of all sources subject to NESHAP. This information is used by the Agency to identify sources subject to the standards to insure that the maximum achievable control technologies are being applied. Semiannual summary reports are also required.

Form Numbers: None

Respondents/affected entities: Pharmaceutical manufacturing operations.

Respondent's obligation to respond: mandatory (40 CFR part 63, subpart GGG)

Estimated number of respondents: 27 (total).

Frequency of response: Initially and semiannually.

Total estimated burden: 44,266 hours (per year). Burden is defined at 5 CFR 1320.03(b)

Total estimated cost: $4,299,575 (per year), includes $112,266 annualized capital or operation & maintenance costs.

Changes in Estimates: There is no change in the labor hours in this ICR compared to the previous ICR. This is due to two considerations: (1) The regulations have not changed over the past three years and are not anticipated to change over the next three years; and (2) the growth rate for the respondents is very low, negative or non-existent. Therefore, the labor hours in the previous ICR reflect the current burden to the respondents and are reiterated in this ICR. However, there is an increase in burden costs due to an adjustment in labor rates.

(14) *Docket ID Number:* EPA–HQ–OECA–2013–0322; *Title:* NESHAP for Beryllium Rocket Motor Fuel Firing (40 CFR Part 61, Subpart D); *ICR Numbers:* EPA ICR Number 1125.07, OMB Control Number 2060–0394; *ICR Status:* This ICR is scheduled to expire on June 30, 2014.

Abstract: The affected entities are subject to the General Provisions of the NESHAP at 40 CFR part 61, subpart A, and any changes or additions to the Provisions are specified at 40 CFR part 61, subpart D. Owners or operators of the affected facilities must submit a one-time-only report of any physical or operational changes, initial performance tests, and periodic reports and results. Owners or operators are also required to maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, or any period during which the monitoring system is inoperative.

Form Numbers: None

Respondents/affected entities: Owners or operators of beryllium rocket motor fuel firing facilities.

Respondent's obligation to respond: mandatory (40 CFR part 61, subpart D)

Estimated number of respondents: 1 (total).

Frequency of response: Initially and annually.

Total estimated burden: 8 hours (per year). Burden is defined at 5 CFR 1320.03(b)

Total estimated cost: $784 (per year), includes $0 annualized capital or operation & maintenance costs.

Changes in Estimates: There is no change in the labor hours in this ICR compared to the previous ICR. This is due to two considerations: (1) The regulations have not changed over the past three years and are not anticipated to change over the next three years; and (2) the growth rate for the respondents is very low, negative or non-existent. Therefore, the labor hours in the previous ICR reflect the current burden to the respondents and are reiterated in this ICR. However, there is an increase in burden costs due to an adjustment in labor rates.

(15) *Docket ID Number:* EPA–HQ–OECA–2013–0312; *Title:* Emission Guidelines for Commercial and Industrial Solid Waste Incineration (CISWI) units (40 CFR Part 60, Subpart DDDD); *ICR Numbers:* EPA ICR Number 2385.06, OMB Control Number 2060–0664; *ICR Status:* This ICR is scheduled to expire on June 30, 2014.

Abstract: The affected entities are subject to the General Provisions of the Emission Guidelines at 40 CFR part 60, subpart A, and any changes, or additions to the General Provisions specified at 40 CFR part 60, subpart DDDD.

Owners or operators of the affected facilities must submit initial notification, performance tests, and periodic reports and results. Owners or operators are also required to maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, or any period during which the monitoring system is inoperative. Reports are required semiannually at a minimum.

Form Numbers: None

Respondents/affected entities: Owners and operators of commercial and industrial solid waste incineration units.

Respondent's obligation to respond: mandatory (40 CFR part 60, subpart DDDD)

Estimated number of respondents: 70 (total).

Frequency of response: Initially, occasionally, and annually.

Total estimated burden: 17,093 hours (per year). Burden is defined at 5 CFR 1320.03(b)

Total estimated cost: $4,030,921 (per year), includes $3,422,428 annualized capital or operation & maintenance costs.

Changes in Estimates: There is no change in the labor hours in this ICR compared to the previous ICR. This is due to two considerations: (1) The regulations have not changed over the past three years and are not anticipated to change over the next three years; and (2) the growth rate for the respondents is very low, negative or non-existent. Therefore, the labor hours in the previous ICR reflect the current burden to the respondents and are reiterated in this ICR. However, there is an increase in burden costs due to an adjustment in labor rates.

(16) *Docket ID Number:* EPA–HQ–OECA–2013–0356; *Title:* NESHAP for Group I Polymers and Resins (40 CFR Part 63, Subpart U); *ICR Numbers:* EPA ICR Number 2410.03, OMB Control Number 2060–0665; *ICR Status:* This ICR is scheduled to expire on June 30, 2014.

Abstract: EPA is promulgating revisions for the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Group I Polymers and Resins. Potential respondents subject to the new requirements of the NESHAP include an estimated 5 existing facilities that produce butyl rubber, epichlorohydrin elastomer, ethylene-propylene rubber, neoprene rubber, and nitrile butadiene rubber. The total annual responses attributable to this ICR consist of notification of front-end process vent limits, notification of back-end operation limits, recordkeeping related to the new limits, and reports submitted to satisfy affirmative defense provisions.

Form Numbers: None

Respondents/affected entities: Owners and operators of facilities that produce butyl rubber, epichlorohydrin elastomer, ethylene-propylene rubber, neoprene rubber, and nitrile butadiene rubber.

Respondent's obligation to respond: mandatory (40 CFR part 63, subpart U)

Estimated number of respondents: 5 (total).

Frequency of response: Initially, occasionally, and semiannually.

Total estimated burden: 251 hours (per year). Burden is defined at 5 CFR 1320.03(b)

Total estimated cost: $12,222 (per year), includes $0 annualized capital or operation & maintenance costs.

Changes in Estimates: There is an adjustment increase in the total estimated burden compared to the previous ICR. The increase reflects additional requirements associated with the revision of the standard.

(17) *Docket ID Number:* EPA–HQ–OECA–2013–0327; *Title:* NSPS for Portland Cement Plants (40 CFR Part 60, Subpart F); *ICR Numbers:* EPA ICR Number 1051.12, OMB Control Number 2060–0025; *ICR Status:* This ICR is scheduled to expire on July 31, 2014.

Abstract: Entities potentially affected by this action are Portland cement plants with the following facilities; kilns, clinker coolers, raw mill systems, raw mill dryers, raw material storage, clinker storage, finished product storage, conveyor transfer points, bagging and bulk loading and unloading systems. Entities are required to submit initial notifications, conduct initial performance tests, and submit semi-annual reports for exceedances and startups, shutdown and malfunctions.

Form Numbers: None

Respondents/affected entities: Portland cement plants

Respondent's obligation to respond: mandatory (40 CFR part 60, subpart F)

Estimated number of respondents: 118 (total).

Frequency of response: Initially and semiannually

Total estimated burden: 17,666 hours (per year). Burden is defined at 5 CFR 1320.03(b)

Total estimated cost: $2,766,659 (per year), includes $939,014 annualized capital or operation & maintenance costs.

Changes in Estimates: There is no change in the labor hours in this ICR compared to the previous ICR. This is due to two considerations: (1) The regulations have not changed over the past three years and are not anticipated to change over the next three years; and (2) the growth rate for the respondents is very low, negative or non-existent. Therefore, the labor hours in the previous ICR reflect the current burden to the respondents and are reiterated in this ICR. However, there is an increase in burden costs due to an adjustment in labor rates.

(18) *Docket ID Number:* EPA–HQ–OECA–2013–0348; *Title:* NESHAP for Primary Aluminum Reduction Plants (40 CFR Part 63, Subpart LL); *ICR Numbers:* EPA ICR Number 1767.07, OMB Control Number 2060–0360; *ICR Status:* This ICR is scheduled to expire on July 31, 2014.

Abstract: The affected entities are subject to the General Provisions of the NESHAP at 40 CFR part 63, subpart A, and any changes, or additions to the Provisions specified at 40 CFR part 63, subpart LL.

Owners or operators of the affected facilities must submit a one-time-only report of any physical or operational changes, initial performance tests, and periodic reports and results. Owners or operators are also required to maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, or any period during which the monitoring system is inoperative. Reports are required semiannually at a minimum.

Form Numbers: None

Respondents/affected entities: Owners or operators of primary aluminum reduction plants.

Respondent's obligation to respond: mandatory (40 CFR part 63, subpart LL)

Estimated number of respondents: 16 (total).

Frequency of response: Initially, semiannually and annually.

Total estimated burden: 80,398 hours (per year). Burden is defined at 5 CFR 1320.03(b)

Total estimated cost: $7,599,556 (per year), includes $91,348 annualized capital or operation & maintenance costs.

Changes in Estimates: There is an increase in both respondent and Agency burden costs from the most recently approved ICR is due to an increase in the number of new or modified sources and an adjustment in labor rates.

(19) *Docket ID Number:* EPA–HQ–OECA–2013–0324; *Title:* NESHAP for Marine Tank Vessel Loading Operations (40 CFR Part 63, Subpart Y); *ICR Numbers:* EPA ICR Number 1679.09, OMB Control Number 2060–0289; *ICR Status:* This ICR is scheduled to expire on August 31, 2014.

Abstract: This rule applies to marine tank vessel loading operations that are major sources of HAP, have an annual throughput of 10 million or more barrels of gasoline, and/or have an annual throughput of 200 million or more barrels of crude oil. This ICR also covers owners or operators of existing MTVLO, that emit less than 10 tons per year of each individual HAP, and less than 25 tons/year of all HAP combined, located at major sources of HAP that loads more than 1 million barrels/yr of gasoline, as well as owners or operators of existing off-shore terminals that load gasoline.

Form Numbers: None

Respondents/affected entities: owners or operators of existing marine tank vessel loading operations.

Respondent's obligation to respond: mandatory (40 CFR part 63, subpart Y)

Estimated number of respondents: 54 (total).

Frequency of response: Initially and semiannually.

Total estimated burden: 2,489 hours (per year). Burden is defined at 5 CFR 1320.03(b)

Total estimated cost: $169,298 (per year), includes $3,888 annualized capital or operation & maintenance costs.

Changes in Estimates: There is an adjustment in the total estimated burden as currently identified in the OMB Inventory of Approved Burdens. This is due to proposed program changes. Additional controls are being proposed, which will need reporting and recordkeeping to ensure compliance. Additionally, there is an increase in both respondent and Agency burden costs from the most recently approved ICR is due to an adjustment in the labor rates.

(20) *Docket ID Number:* EPA–HQ–OECA–2013–0347; *Title:* NESHAP for Epoxy Resin and Non-Nylon Polyamide Production (40 CFR Part 63, Subpart W); *ICR Numbers:* EPA ICR Number 1681.08, OMB Control Number 2060–0290; *ICR Status:* This ICR is scheduled to expire on August 31, 2014.

Abstract: Sources are owners/operators of facilities which produce polymers and resins from epichlorohydrin and sources which manufacture epichlorohydrin-modified non-nylon polyamide resins. EPA and delegated states will use the information identify new, modified, reconstructed, or existing sources, or process changes which may affect the source's status and to ensure that affected sources are meeting the standards.

Form Numbers: None

Respondents/affected entities: Epoxy resin and non-nylon polyamide production

Respondent's obligation to respond: mandatory (40 CFR part 63, subpart W)

Estimated number of respondents: 7 (total).

Frequency of response: Semiannually, quarterly, and initially.

Total estimated burden: 3,853 hours (per year). Burden is defined at 5 CFR 1320.03(b)

Total estimated cost: $370,463 (per year), includes $9,000 annualized capital or operation & maintenance costs.

Changes in Estimates: There is no change in the labor hours in this ICR compared to the previous ICR. This is due to two considerations: (1) The regulations have not changed over the past three years and are not anticipated to change over the next three years; and (2) the growth rate for the respondents is very low, negative or non-existent. Therefore, the labor hours in the previous ICR reflect the current burden to the respondents and are reiterated in this ICR. However, there is an increase in burden costs due to an adjustment in labor rates.

(21) *Docket ID Number:* EPA–HQ–OECA–2013–0351; *Title:* NESHAP for Solvent Extraction for Vegetable Oil Production (40 CFR Part 63, Subpart GGGG); *ICR Numbers:* EPA ICR Number 1947.06, OMB Control Number 2060–0471; *ICR Status:* This ICR is scheduled to expire on August 31, 2014.

Abstract: The affected entities are subject to the General Provisions of the NESHAP at 40 CFR part 63, subpart A, and any changes, or additions to the Provisions specified at 40 CFR part 63, subpart GGGG. Owners or operators of the affected facilities must submit a one-time-only report of any physical or operational changes, initial performance tests, and periodic reports and results. Owners or operators are also required to maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, or any period during which the monitoring system is inoperative. Reports are required semiannually at a minimum.

Form Numbers: None

Respondents/affected entities: Owners or operators of vegetable oil production facilities.

Respondent's obligation to respond: mandatory (40 CFR part 63, subpart GGGG)

Estimated number of respondents: 101 (total).

Frequency of response: Initially, occasionally, and annually.

Total estimated burden: 39,385 hours (per year). Burden is defined at 5 CFR 1320.03(b)

Total estimated cost: $2,512,947 (per year), includes $0 annualized capital or operation & maintenance costs.

Changes in Estimates: There is no change in the labor hours in this ICR compared to the previous ICR. This is due to two considerations: (1) The regulations have not changed over the past three years and are not anticipated to change over the next three years; and (2) the growth rate for the respondents is very low, negative or non-existent. Therefore, the labor hours in the previous ICR reflect the current burden to the respondents and are reiterated in this ICR. However, there is an increase in burden costs due to an adjustment in labor rates.

(22) *Docket ID Number:* EPA–HQ–OECA–2013–0354; *Title:* NESHAP for Paint Stripping and Miscellaneous Surface Coating at Area Sources (40 CFR Part 63, Subpart HHHHHH); *ICR Numbers:* EPA ICR Number 2268.04, OMB Control Number 2060–0607; *ICR Status:* This ICR is scheduled to expire on August 31, 2014.

Abstract: The affected entities are subject to the General Provisions of the NESHAP at 40 CFR part 63, subpart A, and any changes or additions to the Provisions specified at 40 CFR part 63, subpart HHHHHH. Owners or operators of the affected facilities must submit a one-time-only report of any physical or operational changes, initial performance tests, and periodic reports and results. Owners or operators are also required to maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, or any period during which the monitoring system is inoperative. Reports are required semiannually at a minimum.

Form Numbers: None

Respondents/affected entities: Owners or operators of paint stripping and miscellaneous surface coating operations area sources.

Respondent's obligation to respond: mandatory (40 CFR part 63, subpart HHHHHH)

Estimated number of respondents: 39,812 (total).

Frequency of response: Initially, annually and occasionally.

Total estimated burden: 124,527 hours (per year). Burden is defined at 5 CFR 1320.03(b)

Total estimated cost: $11,423,194 (per year), includes $142,220 annualized capital or operation & maintenance costs.

Changes in Estimates: There is an increase in both respondent and Agency burden costs from the most recently approved ICR is due to an increase in the number of new or modified sources and an adjustment in labor rates.

(23) *Docket ID Number:* EPA–HQ–OECA–2013–0323; *Title:* NESHAP for Area Sources: Electric Arc Furnace Steelmaking Facilities (40 CFR Part 63, Subpart YYYYY); *ICR Numbers:* EPA ICR Number 2277.04, OMB Control Number 2060–0608; *ICR Status:* This ICR is scheduled to expire on August 31, 2014.

Abstract: The affected entities are subject to the General Provisions of the NESHAP at 40 CFR part 63, subpart A, and any changes, or additions specified at 40 CFR part 63, subpart YYYYY. Owners or operators of the affected facilities must submit a one-time-only report of any physical or operational changes, initial performance tests, and periodic reports and results. Owners or operators are also required to maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an

affected facility, or any period during which the monitoring system is inoperative. Reports are required semiannually at a minimum.

Form Numbers: None

Respondents/affected entities: Owners or operators of electric arc furnace steelmaking facilities.

Respondent's obligation to respond: mandatory (40 CFR part 63, subpart YYYYY)

Estimated number of respondents: 91 (total).

Frequency of response: Initially, semiannually and occasionally.

Total estimated burden: 1,481 hours (per year). Burden is defined at 5 CFR 1320.03(b)

Total estimated cost: $138,991 (per year), includes $0 annualized capital or operation & maintenance costs.

Changes in Estimates: There is no change in the labor hours in this ICR compared to the previous ICR. This is due to two considerations: (1) The regulations have not changed over the past three years and are not anticipated to change over the next three years; and (2) the growth rate for the respondents is very low, negative or non-existent. Therefore, the labor hours in the previous ICR reflect the current burden to the respondents and are reiterated in this ICR. However, there is an increase in burden costs due to an adjustment in labor rates.

(24) *Docket ID Number:* EPA–HQ–OECA–2013–0352; *Title:* NESHAP for Industrial, Commercial, and Institutional Boilers and Process Heaters (40 CFR Part 63, Subpart DDDDD); *ICR Numbers:* EPA ICR Number 2028.08, OMB Control Number 2060–0551; *ICR Status:* This ICR is scheduled to expire on September 30, 2014.

Abstract: The standard affects new and existing industrial/commercial/institutional boilers and process heaters that are major sources of HAPs. Each owner or operator of a source affected by the standards is required to submit an initial notification that the source is subject to the standard. Each respondent submits semiannual compliance reports. Additional records and notifications depend on which subcategory the boilers or process heaters are in.

Form Numbers: None

Respondents/affected entities: Owners and operators of industrial, commercial, and institutional boilers and process heaters.

Respondent's obligation to respond: mandatory (40 CFR part 63, subpart DDDDD)

Estimated number of respondents: 14,111 (total).

Frequency of response: Initial and annually.

Total estimated burden: 32,664 hours (per year). Burden is defined at 5 CFR 1320.03(b)

Total estimated cost: $97,110,020 (per year), includes $66,211,113 annualized capital or operation & maintenance costs.

Changes in Estimates: There is an increase in both respondent and Agency burden costs from the most recently approved ICR is due to an increase in the number of new or modified sources, and an adjustment in labor rates.

(25) *Docket ID Number:* EPA–HQ–OECA–2013–0298; *Title:* NESHAP for Industrial, Commercial, and Institutional Boilers Area Sources (40 CFR Part 63, Subpart JJJJJJ); *ICR Numbers:* EPA ICR Number 2253.03, OMB Control Number 2060–0668; *ICR Status:* This ICR is scheduled to expire on September 30, 2014.

Abstract: The NESHAP for Industrial, Commercial, and Institutional Boilers Area Sources, at 40 CFR part 63 subpart JJJJJJ (Area Boilers NESHAP) fulfills the requirements of section 112 of the Clean Air Act (CAA), which requires the United States Environmental Protection Agency (EPA) to promulgate national emission standards for industrial, commercial, and institutional boilers. Records and reports required by the NESHAP for industrial, commercial, and institutional boilers area sources are necessary to enable EPA to identify sources subject to the standards and to ensure that the standards are being achieved. Records and reports must be maintained at the facility and/or submitted to EPA. All reports are sent to the delegated state or local authority. In the event that there is no such delegated authority, the reports are sent directly to the EPA regional office.

Form Numbers: None

Respondents/affected entities: Owners and operators of industrial, commercial, or institutional boilers.

Respondent's obligation to respond: mandatory (40 CFR part 63, subpart JJJJJJ)

Estimated number of respondents: 182,671 (total).

Frequency of response: Initially, annually, and occasionally.

Total estimated burden: 2,681,826 hours (per year). Burden is defined at 5 CFR 1320.03(b)

Total estimated cost: $406,793,797 (per year), includes $153,122,174 annualized capital or operation & maintenance costs.

Changes in Estimates: There is an increase in both respondent and Agency burden costs from the most recently approved ICR is due to an increase in the number of new or modified sources and an adjustment in labor rates.

Dated: May 30, 2013.

Lisa C. Lund,

Director, Office of Compliance.

[FR Doc. 2013–13838 Filed 6–10–13; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9823–4]

Cross-Media Electronic Reporting: Authorized Program Revision Approval, State of Nevada

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces EPA's approval of the State of Nevada's request to revise its National Pollutant Discharge Elimination System EPA-authorized program to allow electronic reporting.

DATES: EPA's approval is effective June 11, 2013.

FOR FURTHER INFORMATION CONTACT: Evi Huffer, U.S. Environmental Protection Agency, Office of Environmental Information, Mail Stop 2823T, 1200 Pennsylvania Avenue NW., Washington, DC 20460, (202) 566–1697, *huffer.evi@epa.gov*, or Karen Seeh, U.S. Environmental Protection Agency, Office of Environmental Information, Mail Stop 2823T, 1200 Pennsylvania Avenue NW., Washington, DC 20460, (202) 566–1175, *seeh.karen@epa.gov.*

SUPPLEMENTARY INFORMATION: On October 13, 2005, the final Cross-Media Electronic Reporting Rule (CROMERR) was published in the **Federal Register** (70 FR 59848) and codified as part 3 of title 40 of the CFR. CROMERR establishes electronic reporting as an acceptable regulatory alternative to paper reporting and establishes requirements to assure that electronic documents are as legally dependable as their paper counterparts. Subpart D of CROMERR requires that state, tribal or local government agencies that receive, or wish to begin receiving, electronic reports under their EPA-authorized programs must apply to EPA for a revision or modification of those programs and obtain EPA approval. Subpart D provides standards for such approvals based on consideration of the electronic document receiving systems that the state, tribe, or local government will use to implement the electronic reporting. Additionally, § 3.1000(b) through (e) of 40 CFR part 3, subpart D provides special procedures for program revisions and modifications to allow electronic reporting, to be used at the

option of the state, tribe or local government in place of procedures available under existing program-specific authorization regulations. An application submitted under the subpart D procedures must show that the state, tribe or local government has sufficient legal authority to implement the electronic reporting components of the programs covered by the application and will use electronic document receiving systems that meet the applicable subpart D requirements.

On October 10, 2012, the Nevada Division of Environmental Protection (NDEP) submitted an application titled ''Network Discharge Monitoring Report System'' for revision of its EPA-authorized authorized Part 123 program under title 40 CFR. EPA reviewed NDEP's request to revise its EPA-authorized Part 123—National Pollutant Discharge Elimination System program and, based on this review, EPA determined that the application met the standards for approval of authorized program revision set out in 40 CFR part 3, subpart D. In accordance with 40 CFR 3.1000(d), this notice of EPA's decision to approve Nevada's request to revise its Part 123—National Pollutant Discharge Elimination System program to allow electronic reporting under 40 CFR part 122 is being published in the **Federal Register**.

NDEP was notified of EPA's determination to approve its application with respect to the authorized program listed above.

Dated: June 3, 2013.

Andrew Battin,

Director, Office of Information Collection.

[FR Doc. 2013–13826 Filed 6–10–13; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–ORD–2013–0188; FRL 9818–4]

Human Studies Review Board Advisory Committee

AGENCY: Environmental Protection Agency (EPA).

ACTION: Request for Nominations to the Human Studies Review Board (HSRB) Advisory Committee.

SUMMARY: The U.S. Environmental Protection Agency (EPA) invites nominations from a diverse range of qualified candidates with expertise in bioethics, biostatistics and human health risk assessment to be considered for appointment to its Human Studies Review Board (HSRB) advisory committee. Anticipated vacancies will be filled by September 1, 2013. Sources in addition to this **Federal Register** Notice may also be utilized in the solicitation of nominees.

Background: On February 6, 2006, the Agency published a final rule for the protection of human subjects in research that called for creating a new, independent human studies review board (*i.e.,* HSRB). The HSRB is a federal advisory committee operating in accordance with the Federal Advisory Committee Act (FACA) 5 U.S.C. App. 2 § 9 (Pub. L. 92–463). The HSRB provides advice, information, and recommendations to EPA on issues related to scientific and ethical aspects of human subjects research. The major objectives of the HSRB are to provide advice and recommendations on: (1) Research proposals and protocols that include human subjects; (2) reports of completed research with human subjects; and (3) how to strengthen EPA's programs for protection of human subjects of research. The HSRB reports to the EPA Administrator through EPA's Science Advisor. General information concerning the HSRB, including its charter, current membership, and activities can be found on the EPA Web site at *http://www.epa.gov/osa/hsrb/*.

HSRB members serve as special government employees or regular government employees. Members are appointed by the EPA Administrator for either two or three year terms with the possibility of reappointment for additional terms, with a maximum of six years of service. The HSRB usually meets up to four times a year and the typical workload for HSRB members is approximately 40 to 50 hours per meeting, including the time spent at the meeting. Responsibilities of HSRB members include reviewing extensive background materials prior to meetings of the Board, preparing draft responses to Agency charge questions, attending Board meetings, participating in the discussion and deliberations at these meetings, drafting assigned sections of meeting reports, and helping to finalize Board reports. EPA compensates special government employees for their time and provides reimbursement for travel and other incidental expenses associated with official government business. EPA values and welcomes diversity. In an effort to obtain nominations of diverse candidates, EPA encourages nominations of women and men of all racial and ethnic groups.

The qualifications of nominees for membership on the HSRB will be assessed in terms of the specific expertise sought for the HSRB. Qualified nominees who agree to be considered further will be included in a ''Short List''. The Short List of nominee names and biographical sketches will be posted for 14 calendar days for public comment on the HSRB Web site: *http://www.epa.gov/osa/hsrb/index.htm*. The public will be encouraged to provide additional information about the nominees that EPA should consider. At the completion of the comment period, EPA will select new Board members from the Short List. Candidates not selected for HSRB membership at this time may be considered for HSRB membership as vacancies arise in the future or for service as consultants to the HSRB. The Agency estimates that the names of Short List candidates will be posted in July 2013. However, please be advised that this is an approximate time frame and the date is subject to change. If you have any questions concerning posting of Short List candidates on the HSRB Web site, please consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

Members of the HSRB are subject to the provisions of 5 CFR part 2634, Executive Branch Financial Disclosure, as supplemented by the EPA in 5 CFR part 6401. In anticipation of this requirement, each nominee will be asked to submit confidential financial information that fully discloses, among other financial interests, the candidate's employment, stocks and bonds, and where applicable, sources of research support. The information provided is strictly confidential and will not be disclosed to the public. Before a candidate is considered further for service on the HSRB, EPA will evaluate each candidate to assess whether there is any conflict of financial interest, appearance of a lack of impartiality, or prior involvement with matters likely to be reviewed by the Board.

Nominations will be evaluated on the basis of several criteria, including: the professional background, expertise and experience that would contribute to the diversity of perspectives of the committee; interpersonal, verbal and written communication skills and other attributes that would contribute to the HSRB's collaborative process; consensus building skills; absence of any financial conflicts of interest or the appearance of a lack of impartiality, or lack of independence, or bias; and the availability to attend meetings and administrative sessions, participate in teleconferences, develop policy recommendations to the Administrator, and prepare recommendations and advice in reports.

Nominations should include a resume or curriculum vitae providing the nominee's educational background, qualifications, leadership positions in

national associations or professional societies, relevant research experience and publications along with a short (one page) biography describing how the nominee meets the above criteria and other information that may be helpful in evaluating the nomination, as well as the nominee's current business address, email address, and daytime telephone number. Interested candidates may self-nominate.

To help the Agency in evaluating the effectiveness of its outreach efforts, nominees are requested to inform the Agency of how you learned of this opportunity.

Final selection of HSRB members is a discretionary function of the Agency and will be announced on the HSRB Web site at *http://www.epa.gov/osa/hsrb/index.htm* as soon as selections are made.

ADDRESSES: Submit your nominations by June 28, 2013, identified by Docket ID No. EPA–HQ–ORD–2013–0188, by any of the following methods:

Internet: http://www.regulations.gov: Follow the on-line instructions for submitting comments.

Email: ORD.Docket@epa.gov.

USPS Mail: ORD Docket, Environmental Protection Agency, Mailcode: 28221T, 1200 Pennsylvania Ave. NW., Washington, DC 20460.

Hand or Courier Delivery: EPA Docket Center (EPA/DC), Room 3304, EPA West Building, 1301 Constitution Avenue NW., Washington, DC 20460, Attention Docket ID No. EPA–HQ–ORD–2011–0503. Deliveries are accepted from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. Special arrangements should be made for deliveries of boxed information.

FOR FURTHER INFORMATION CONTACT: Jim Downing, Designated Federal Official, Office of the Science Advisor, Mail Code 8105R, U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue NW., Washington, DC 20460; telephone number: (202) 564–2468, fax number: (202) 564–2070, email: *downing.jim@epa.gov.*

Dated: May 16, 2013.

Glenn Paulson,

Science Advisor.

[FR Doc. 2013–13815 Filed 6–10–13; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Determination of Insufficient Assets To Satisfy Claims Against Financial Institution in Receivership

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice.

SUMMARY: The FDIC has determined that insufficient assets exist in the receivership of K Bank, Randallstown, Maryland, to make any distribution on general unsecured claims, and therefore such claims will recover nothing and have no value.

DATES: The FDIC made its determination on June 4, 2013.

FOR FURTHER INFORMATION CONTACT: If you have questions regarding this notice, you may contact an FDIC Claims Agent at (972) 761–8677. Written correspondence may also be mailed to FDIC as Receiver of K Bank, Attention: Claims Agent, 1601 Bryan Street, Dallas, Texas 75201.

SUPPLEMENTARY INFORMATION: On November 5, 2010, K Bank, Randallstown, Maryland, (FIN #10308) was closed by the Maryland Office of Financial Regulation, and the Federal Deposit Insurance Corporation (''FDIC'') was appointed as its receiver (''Receiver''). In complying with its statutory duty to resolve the institution in the method that is least costly to the deposit insurance fund (see 12 U.S.C. 1823(c)(4)), the FDIC facilitated a transaction with Manufacturers and Traders Trust Company (''M&T Bank''), Buffalo, New York, to assume all of the deposits (excluding brokered deposits) and most of the assets of the failed institution.

Section 11(d)(11)(A) of the FDI Act, 12 U.S.C. 1821(d)(11)(A), sets forth the order of priority for distribution of amounts realized from the liquidation or other resolution of an insured depository institution to pay claims. Under the statutory order of priority, administrative expenses and deposit liabilities must be paid in full before any distribution may be made to general unsecured creditors or any lower priority claims.

As of March 31, 2013, the maximum value of assets that could be available for distribution by the Receiver, together with maximum possible recoveries on professional liability claims was $135,461,147. As of the same date, administrative expenses and depositor liabilities equaled $247,721,021, exceeding available assets and potential recoveries by $112,259,874. Accordingly, the FDIC has determined that insufficient assets exist to make any distribution on general unsecured claims (and any lower priority claims) and therefore all such claims, asserted or unasserted, will recover nothing and have no value.

Federal Deposit Insurance Corporation.

Dated: June 5, 2013.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2013–13741 Filed 6–10–13; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL ELECTION COMMISSION

Sunshine Act Meetings

AGENCY: Federal Election Commission.

DATE & TIME: Thursday, June 13, 2013 at 10:00 a.m.

PLACE: 999 E Street NW., Washington, DC (Ninth Floor).

STATUS: This meeting will be open to the public.

ITEMS TO BE DISCUSSED:

Correction and Approval of the Minutes for the Meeting of May 9, 2013

Draft Advisory Opinion 2013–03: Erin Bilbray-Kohn

Proposed Final Audit Report on the California Republican Party/V8 (A09–15)

Draft Interpretive Rule on Reporting Ultimate Payees of Political Committee Disbursements

OGC Enforcement Manual

Management and Administrative Matters

Individuals who plan to attend and require special assistance, such as sign language interpretation or other reasonable accommodations, should contact Shawn Woodhead Werth, Secretary and Clerk, at (202) 694–1040, at least 72 hours prior to the meeting date.

PERSON TO CONTACT FOR INFORMATION: Judith Ingram, Press Officer, Telephone: (202) 694–1220.

Shawn Woodhead Werth,

Secretary and Clerk of the Commission.

[FR Doc. 2013–13890 Filed 6–7–13; 11:15 am]

BILLING CODE 6715–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank

or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than June 26, 2013.

A. Federal Reserve Bank of Cleveland (Nadine Wallman, Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101–2566:

1. *The Credit Shelter Trust u/t/a Odell Merrick Revocable Trust Living Trust dated 1/21/1997, and Nancy Routt Merrick, as Trustee,* both of Somerset Kentucky; to retain control of Citizens Bancshares, Inc., and thereby indirectly retain control the Citizens National Bank of Somerset, both in Somerset, Kentucky.

Board of Governors of the Federal Reserve System, June 6, 2013.

Margaret McCloskey Shanks,

Deputy Secretary of the Board.

[FR Doc. 2013–13786 Filed 6–10–13; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The applications will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than July 5, 2013.

A. Federal Reserve Bank of Philadelphia (William Lang, Senior Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105–1521:

1. *Bryn Mawr Bank Corporation,* Bryn Mawr, Pennsylvania, to acquire Midcoast Community Bancorp, Wilmington, Delaware, and thereby indirectly acquire Midcoast Community Bank, Wilmington, Delaware, which will merge with and into Bryn Mawr Trust Company, Bryn Mawr, Pennsylvania. Comments on this application must be received at the Federal Reserve Bank Philadelphia or the offices of the Board of Governors not later than June 26, 2013.

B. Federal Reserve Bank of Atlanta (Chapelle Davis, Assistant Vice President) 1000 Peachtree Street NE., Atlanta, Georgia 30309:

1. *Ameris Bancorp,* Moultrie, Georgia; to merge with The Prosperity Banking Company, and thereby acquire Prosperity Bank, both in St. Augustine, Florida.

C. Federal Reserve Bank of Kansas City (Dennis Denney, Assistant Vice President) 1 Memorial Drive, Kansas City, Missouri 64198–0001:

1. *DS Holding Company, Inc., and Omaha State Bank,* both in Omaha, Nebraska; to acquire 100 percent of the voting shares of Ashland Bancshares, Inc., and thereby indirectly acquire Centennial Bank, both in Omaha, Nebraska.

In connection with this transaction, Ashland Bancshares, Inc., will merge with and into DS Holding Company, Inc., and immediately thereafter, Omaha State Bank, will merge with and into Centennial Bank, with the resulting bank to be known as Core Bank.

Board of Governors of the Federal Reserve System, June 6, 2013.

Margaret McCloskey Shanks,

Deputy Secretary of the Board.

[FR Doc. 2013–13785 Filed 6–10–13; 8:45 am]

BILLING CODE 6210–01–P

GENERAL SERVICES ADMINISTRATION

[Notice–CIB–2013–04; Docket No. 2013–0002; Sequence 13]

Privacy Act of 1974; Notice of an Updated System of Records

AGENCY: General Services Administration (GSA).

ACTION: Notice.

SUMMARY: GSA proposes to update a system of records subject to the Privacy Act of 1974, as amended, 5 U.S.C. 552a.

DATES: Effective July 11, 2013.

FOR FURTHER INFORMATION CONTACT: Call or email the GSA Privacy Act Officer: telephone 202–208–1317; email *gsa.privacyact@gsa.gov.*

ADDRESSES: GSA Privacy Act Officer (CIB), General Services Administration, 1275 First Street NE., Washington, DC 20417.

SUPPLEMENTARY INFORMATION: GSA proposes to update a system of records subject to the Privacy Act of 1974, 5 U.S.C. 552a. The updated system will allow the public and GSA Users to utilize the SalesForce application environment and the Google Apps platform used by the GSA.

Dated: June 6, 2013.

James Atwater,

Acting Director, Office of Information Management.

GSA/CIO–3

SYSTEM NAME:

GSA's Enterprise Organization of Google Applications & SalesForce.com

SYSTEM LOCATION:

Enterprise Application Services (EAS) is a singular component system managed by the Applied Solutions Division, a division of Office of the Chief Information Officer. The EAS system is housed in secure datacenters hosted by GSA in Kansas City (Region 6) and Fort Worth (Region 7) as well as Cloud components as part of GSA's implementation of Google Apps and Salesforce.com. In addition, some employees and contractors may download and store information from this system. Those copies are located within the employees' or contractors' offices or on encrypted workstations issued by GSA for individuals when they are out of the office.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The categories of individuals covered by this system are the public who access, or are granted access to, specific

minor applications in either the Google Apps or Salesforce.com environment in GSA and individuals collectively referred to as ''GSA Users'', which are GSA employed individuals who require routine access to agency information technology systems, including federal employees, contractors, child care workers and other temporary workers with similar access requirements. The system does not apply to or contain occasional visitors or short-term guests not cleared for use under HSPD–12.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system contains information needed for the functionality of specific minor applications that are developed for either GSA's implementation of Google Apps or Salesforce.com. This system contains the following information:

Public individuals defined under Categories of Individuals above/ employee/contractor/other worker's full name.

Organization/office of assignment.
Company/agency name.
Work address.
Work telephone number.
Social Security Number.
Personal physical home address.
Personal home or mobile phone.
Personal email addresses.
Individual work related records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 40 U.S.C. 11315, 44 U.S.C. 3506, E.O. 9397, as amended, and Homeland Security Presidential Directive 12 (HSPD–12).

PURPOSES:

For the functionality and use of specific minor applications within GSA's implementation of Google Apps & Salesforce.com. Information may be collected to meet the business requirements of the application, site, group or instance. The new system will allow users to utilize the SalesForce application environment and the Google Apps platform used by the GSA.

A listing of applications covered by this SORN can be found at: *http://www.gsa.gov/portal/content/102236*

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

a. To a Member of Congress or to a Congressional staff member in response to an inquiry of the Congressional office, made at the written request of the constituent about whom the record is maintained.

b. To the National Archives and Records Administration (NARA) for records management purposes.

c. To Agency contractors, grantees, consultants, or experts who have been engaged to assist the agency in the performance of a Federal duty to which the information is relevant.

d. To a Federal, State, local, foreign, or tribal or other public authority, on request, in connection with the hiring or retention of an employee, the issuance or retention of a security clearance, the letting of a contract, or the issuance or retention of a license, grant, or other benefit, to the extent that the information is relevant and necessary to the requesting agency's decision.

e. To the Office of Management and Budget (OMB) when necessary to the review of private relief legislation pursuant to OMB circular No. A–19.

f. To designated Agency personnel for the purpose of performing an authorized audit or oversight evaluation.

g. To the Office of Personnel Management (OPM), the Office of Management and Budget (OMB), the Government Accountability Office (GAO), or other Federal agencies when the information is required for program evaluation purposes.

h. To appropriate agencies, entities, and persons when (1) the Agency suspects or has confirmed that the security or confidentiality of information in the system of records has been compromised; (2) the Agency has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by GSA or another agency or entity) that rely upon the compromised information; (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with GSA's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

i. In any criminal, civil or administrative legal proceeding, where pertinent, to which GSA, a GSA employee, or the United States or other entity of the United States Government is a party before a court or administrative body.

j. To an appeal, grievance, hearing, or complaints examiner; an equal employment opportunity investigator, arbitrator, or mediator; and/or an exclusive representative or other person authorized to investigate or settle a grievance, complaint, or appeal filed by an individual who is the subject of the record.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYTEM:

STORAGE:

Computer records are stored on a secure server and accessed over the Web via encryption software. Paper records, when created, are kept in file folders and cabinets in secure rooms. When individuals download information it is kept on encrypted computers that are accessed using PIV credentials. It is their responsibility to protect the data, including compliance with HCO 2180.1, GSA Rules of Behavior for Handling Personally Identifiable Information (PII).

RETRIEVABILITY:

Records are retrievable by a combination of first name and last name. Group records are retrieved by organizational code or other listed identifiers as configured in the application by the program office for their program requirements.

SAFEGUARDS:

Cloud systems are authorized to operate separately by the GSA CIO at the moderate level. All GSA Users utilize two-factor authentication to access Google Apps and Salesforce.com. Access is limited to authorized individuals with passwords or keys. Computer records are protected by a password system that is compliant with National Institute of Standards and Technology standards. Paper records are stored in locked metal containers or in secured rooms when not in use. Information is released to authorized officials based on their need to know.

RETENTION AND DISPOSAL:

Records are retained and disposed of according to GSA records maintenance and disposition schedules, GSA Records Maintenance and Disposition System (CIO P 1820.1), GSA 1820.2A, and requirements of the National Archives and Records Administration.

SYSTEM MANAGER AND ADDRESS:

Director, Applied Solutions, General Services Administration, 1275 First Street, NE., Washington, DC 20417.

NOTIFICATION PROCEDURE:

An individual can determine if this system contains a record pertaining to him/her by sending a request in writing, signed, to the System Manager at the above address. When requesting notification of or access to records covered by this notice, an individual should provide his/her full name, date of birth, region/office, and work location. An individual requesting notification of records in person must

provide identity documents sufficient to satisfy the custodian of the records that the requester is entitled to access.

RECORD ACCESS PROCEDURES:

Individuals wishing to access their own records should contact the system manager at the address above.

CONTESTING RECORD PROCEDURES:

Rules for contesting the content of a record and appealing a decision are contained in 41 CFR 105–64.

RECORD SOURCE CATEGORIES:

The sources for information in the system are the individuals about whom the records are maintained, the supervisors of those individuals, existing GSA systems, a sponsoring agency, a former sponsoring agency, other Federal agencies, contract employers, or former employers.

[FR Doc. 2013–13813 Filed 6–10–13; 8:45 am]

BILLING CODE 6820–34–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Biodefense Science Board; Call for Nominees

AGENCY: Office of the Secretary, Department of Health and Human Services.

ACTION: Notice.

SUMMARY: The Office of the Secretary is accepting application submissions from qualified individuals who wish to be considered for membership on the National Biodefense Science Board (NBSB). Six members have membership expiration dates of December 31, 2013; therefore six new voting members will be selected for the Board. Nominees are being accepted in the following categories: Industry, Academia, Healthcare Consumer Organizations, and Organizations Representing Other Appropriate Stakeholders. Please visit the NBSB Web site at *www.phe.gov/nbsb* for all application submission information and instructions. *The deadline for all application submissions is July 7, 2013, at 11:59 p.m.*

FOR FURTHER INFORMATION CONTACT: CAPT Charlotte Spires, DVM, MPH, DACVPM, Executive Director and Designated Federal Official, National Biodefense Science Board, Office of the Assistant Secretary for Preparedness and Response, U.S. Department of Health and Human Services, Thomas P. O'Neill Federal Building, Room number 14F18, 200 C St. SW., Washington, DC 20024; Office: 202–260–0627, Email address: *charlotte.spires@hhs.gov.*

SUPPLEMENTARY INFORMATION: Pursuant to section 319M of the Public Health Service Act (42 U.S.C. 247d–7f) and section 222 of the Public Health Service Act (42 U.S.C. 217a), the Department of Health and Human Services established the National Biodefense Science Board. The Board shall provide expert advice and guidance to the Secretary on scientific, technical, and other matters of special interest to the Department of Health and Human Services regarding current and future chemical, biological, nuclear, and radiological agents, whether naturally occurring, accidental, or deliberate. The Board may also provide advice and guidance to the Secretary and/or the Assistant Secretary for Preparedness and Response (ASPR) on other matters related to public health emergency preparedness and response.

Description of Duties: The Board shall advise the Secretary and/or ASPR on current and future trends, challenges, and opportunities presented by advances in biological and life sciences, biotechnology, and genetic engineering with respect to threats posed by naturally occurring infectious diseases and chemical, biological, radiological, and nuclear agents. At the request of the Secretary and/or ASPR, the Board shall review and consider any information and findings received from the working groups established under 42 U.S.C. 247d–7f(b). At the request of the Secretary and/or ASPR, the Board shall provide recommendations and findings for expanded, intensified, and coordinated biodefense research and development activities. Additional advisory duties concerning public health emergency preparedness and response may be assigned at the discretion of the Secretary and/or ASPR.

Structure: The Board shall consist of 13 voting members, including the Chairperson; additionally, there may be non-voting ex officio members. Pursuant to 42 U.S.C. 247d–7f(a), members and the chairperson shall be appointed by the Secretary from among the Nation's preeminent scientific, public health and medical experts, as follows: (a) Such federal officials as the Secretary determines are necessary to support the functions of the Board, (b) four individuals from the pharmaceutical, biotechnology and device industries, (c) four academicians, and (d) five other members as determined appropriate by the Secretary and/or ASPR, one of whom must be a practicing health care professional, one of whom must be from an organization representing health care consumers, one of whom must have pediatric subject matter expertise, and one of whom shall be a State, tribal, territorial, or local public health official. Additional members for category (d), above, will be selected from among emergency medical responders and organizations representing other appropriate stakeholders. A member of the Board described in (b), (c), and (d) in the above paragraph shall serve for a term of 3 years, except that the Secretary may adjust the terms of the initial Board appointees in order to provide for a staggered term of appointment of all members. Members who are not fulltime or permanent part-time federal employees shall be appointed by the Secretary as Special Government Employees.

Dated: June 4, 2013.

Nicole Lurie,

Assistant Secretary for Preparedness and Response, U.S. Department of Health and Human Services.

[FR Doc. 2013–13832 Filed 6–10–13; 8:45 am]

BILLING CODE P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP): Initial review

The meeting announced below concerns Centers for Disease Control and Prevention Public Health Preparedness and Response Research to Aid Recovery from Hurricane Sandy, Request for Application (RFA) TP13–001, initial review.

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces the aforementioned meeting:

Times and Dates: 8:30 a.m.–5:00 p.m., July 10, 2013 (Closed); 8:30 a.m.–5:00 p.m., July 11, 2013 (Closed).

Place: Georgian Terrace Hotel, 659 Peachtree Street NE., Atlanta, Georgia 30308.

Status: The meeting will be closed to the public in accordance with provisions set forth in Section 552b(c)(4) and (6), Title 5 U.S.C., and the Determination of the Director, Management Analysis and Services Office, CDC, pursuant to Public Law 92–463.

Matters To Be Discussed: The meeting will include the initial review, discussion, and evaluation of applications received in response to ''Centers for Disease Control and Prevention Public Health Preparedness and Response Research to Aid Recovery from Hurricane Sandy, RFA TP13–001''.

Contact Person For More Information: Shoukat Qari, D.V.M., Ph.D., Scientific Review Officer, CDC, 1600 Clifton Road NE., Mailstop K72, Atlanta, Georgia 30333, Telephone: (770) 488–8808.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Elaine L. Baker,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2013–13738 Filed 6–10–13; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Board of Scientific Counselors, National Center for Injury Prevention and Control, (BSC, NCIPC)

Correction: This notice was published in the **Federal Register** on May 21, 2013, Volume 78, Number 98, Pages 29754–29755. The meeting location for Thursday, June 13, 2013, has been changed to:

Place: CDC, Chamblee Campus, Building 106, Conference Room 1–B, 4770 Buford Highway, NE., Atlanta, Georgia 30345.

Contact Person for More Information: Gwendolyn H. Cattledge, Ph.D., M.S.E.H., Deputy Associate Director for Science, National Center for Injury Prevention and Control, CDC, 4770 Buford Highway NE., Mailstop F–63, Atlanta, Georgia 30341, Telephone: (770) 488–1430, Email: *gxc8@cdc.gov.*

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention, and Agency for Toxic Substances and Disease Registry.

Elaine L. Baker,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2013–13736 Filed 6–10–13; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention (CDC)

Request for Nominations of Candidates To Serve on the World Trade Center Health Program Scientific/Technical Advisory Committee (the STAC or the Committee), Centers for Disease Control and Prevention, Department of Health and Human Services

The CDC is soliciting nominations for membership on the World Trade Center (WTC) Health Program Scientific/Technical Advisory Committee (STAC).

Title I of the James Zadroga 9/11 Health and Compensation Act of 2010 (Pub. L. 111–347) was enacted on January 2, 2011, amending the Public Health Service Act (PHS Act) by adding Title XXXIII establishing the WTC Health Program within HHS (Title XXXIII of the PHS Act is codified at 42 U.S.C. 300mm to 300mm–61). Section 3302(a) of the PHS Act established the WTC Health Program Scientific/Technical Advisory Committee (STAC). The STAC is governed by the provisions of the Federal Advisory Committee Act, as amended (Pub. L. 92–463, 5 U.S.C. App.), which sets forth standards for the formation and use of advisory committees in the Executive Branch. PHS Act Section 3302(a)(1) establishes that the STAC will: Review scientific and medical evidence and to make recommendations to the [WTC Program] Administrator on additional WTC Program eligibility criteria and on additional WTC-related health conditions.

The committee may be consulted for other matters as related to and outlined in the Act at the discretion of the WTC Program Administrator. Agency or Official to Whom the Committee Reports Section 3302(a)(1) instructs the committee to provide advice to the WTC Program Administrator. In accordance with Section 3302(a)(2) of the PHS Act, the WTC Program Administrator will appoint the members of the committee, which must include at least:

- 4 occupational physicians, at least two of whom have experience treating WTC rescue and recovery workers;
- 1 physician with expertise in pulmonary medicine;
- 2 environmental medicine or environmental health specialists;
- 2 representatives of WTC responders;
- 2 representatives of certified-eligible WTC survivors;
- 1 industrial hygienist;
- 1 toxicologist;
- 1 epidemiologist; and
- 1 mental health professional.

At this time the Administrator is seeking nominations for members fulfilling the following categories:

- occupational physician;
- physician with expertise in pulmonary medicine;
- environmental medicine or environmental health specialist;
- representative of WTC responders;
- representative of certified-eligible WTC survivors;

Other members may be appointed at the discretion of the WTC Program Administrator.

A STAC member's term appointment may last 3 years. If a vacancy occurs, the WTC Program Administrator may appoint a new member who represents the same interest as the predecessor. STAC members may be appointed to successive terms. The frequency of committee meetings shall be determined by the WTC Program Administrator based on program needs. Meetings may occur up to four times a year. Members are paid the Special Government Employee rate of $250 per day, and travel costs and per diem are included and based on the Federal Travel Regulations.

Any interested person or organization may self-nominate or nominate one or more qualified persons for membership.

Nominations must include the following information:

- The nominee's contact information and current occupation or position;
- The nominee's resume or curriculum vitae, including prior or current membership on other National Institute for Occupational Safety and Health (NIOSH), CDC, or HHS advisory committees or other relevant organizations, associations, and committees;
- The category of membership (occupational, pulmonary or environmental medicine physician, environmental health specialist, representative of responder or survivor beneficiaries) that the candidate is qualified to represent;
- A summary of the background, experience, and qualifications that demonstrates the nominee's suitability for the nominated membership category;
- Articles or other documents the nominee has authored that indicate the nominee's knowledge and experience in relevant subject categories; and
- A statement that the nominee is aware of the nomination, is willing to regularly attend and participate in STAC meetings, and has no known conflicts of interest that would preclude membership on the Committee.

STAC members will be selected upon the basis of their relevant experience and competence in their respective categorical fields. The information received through this nomination process, in addition to other relevant sources of information, will assist the WTC Program Administrator in appointing members to serve on the STAC. In selecting members, the WTC Program Administrator will consider individuals nominated in response to this **Federal Register** notice as well as other qualified individuals.

The CDC is committed to bringing greater diversity of thought, perspective and experience to its advisory committees. Nominees from all races, genders, ages, and persons living with disabilities are encouraged to apply. Nominees must be U.S. citizens.

Candidates invited to serve will be asked to submit the ''Confidential Financial Disclosure Report,'' OGE Form 450. This form is used by CDC to determine whether there is a financial conflict between that person's private interests and activities and their public responsibilities as a Special Government Employee as well as any appearance of a loss of impartiality, as defined by Federal regulation. The form may be viewed and downloaded at *http://www.oge.gov/Forms-Library/OGE-Form-450—Confidential-Financial-Disclosure-Report/.* This form should not be submitted as part of a nomination.

Submissions must be electronic or by mail. Submissions should reference docket #229–A. Electronic submissions: You may electronically submit nominations, including attachments, to *nioshdocket@cdc.gov.* Attachments in Microsoft Word are preferred. Regular, Express, or Overnight Mail: Written nominations may be submitted (one original and two copies) to the following address only: NIOSH Docket 229–A c/o Zaida Burgos, Committee Management Specialist, National Institute for Occupational Safety and Health, Center for Disease Control and Prevention, 1600 Clifton Road, NE., M/S E–20, Atlanta, Georgia 30333. Telephone and facsimile submissions cannot be accepted. For further information contact: Paul Middendorf, Senior Health Scientist, 1600 Clifton Rd. NE., MS: E–20, Atlanta, GA 30239; telephone (404)498–2500 (this is not a toll-free number); email *pmiddendorf@cdc.gov.*

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Elaine L. Baker,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2013–13739 Filed 6–10–13; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention (CDC)

Request for Nominations of Candidates To Serve on the Board of Scientific Counselors, Office of the Public Health Preparedness and Response, Centers for Disease Control and Prevention, Department of Health and Human Services

The CDC is soliciting nominations for possible membership on the Board of Scientific Counselors, Office of Public Health Preparedness and Response (BSC, OPHPR).

CDC provides technical assistance and resources to state and local public health agencies to support their efforts to build prepared and resilient communities. CDC provides subject-matter expertise and assistance for domestic and global surveillance, laboratory, occupational health and epidemiology functions, and health threats including anthrax, smallpox, influenza and other infectious diseases, food-borne illness, and radiation, among others. OPHPR leads the agency's preparedness and response activities by providing strategic direction, support, and coordination for activities across CDC as well as with local, state, tribal, national, territorial, and international public health partners.

The BSC (*http://www.cdc.gov/phpr/science/counselors.htm*) provides advice and guidance to the Secretary of the Department of Health and Human Services, the Director, CDC, and the Director, OPHPR, concerning strategies and goals for the programs within OPHPR's divisions; conducts peer-review of scientific programs; and monitors the overall strategic direction and focus of the divisions. The BSC, OPHPR may perform second-level peer review of applications for grants-in-aid for research and research training activities, cooperative agreements, and research contract proposals relating to the broad areas within the office.

Nominations are being sought for individuals who have expertise and qualifications necessary to contribute to the accomplishments of the OPHPR's objectives (*http://www.cdc.gov/phpr/*). Nominees will be selected based upon expertise in fields relevant to the issues addressed by divisions within the coordinating office, including emergency preparedness and response; medicine, epidemiology, laboratory science, informatics, behavioral science, social science, engineering, business, and crisis leadership. Whenever possible, nominees should be acknowledged experts in their fields whose credibility is beyond question. All nominees should have demonstrated skills in critical evaluation of data and communication skills necessary to promote efficient and effective deliberations.

Federal employees will not be considered for membership. Members may be invited to serve up to four-year terms. The U.S. Department of Health and Human Services policy stipulates that committee membership be balanced in terms of professional training and background, points of view represented, and the board's function. Consideration is given to a broad representation of geographic areas within the U.S., with equitable representation of gender, ethnic and racial minorities, and persons with disabilities. Nominees must be U.S. citizens.

The following information must be submitted for each candidate: Name, affiliation, address, telephone number, and current curriculum vitae. Email addresses are requested if available.

Nominations should be sent by November 15, 2013 to: CDR Christye Brown, BSC Coordinator, Office of Science and Public Health Practice, Office of Preparedness and Emergency Response, Centers for Disease Control and Prevention, via email to *ophpr.bsc.questions@cdc.gov.* Telephone and facsimile submissions cannot be accepted.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Elaine L. Baker,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2013–13737 Filed 6–10–13; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Comment Request

Title: Evaluation of the Head Start Designation Renewal System.

OMB No.: New Collection.

Description: In the fall of 2011, the Administration for Children and Families (ACF) within the US Department of Health and Human Services (HHS) significantly expanded its accountability provisions with the implementation of the Head Start Designation Renewal System (DRS). The DRS is designed to identify which Head Start and Early Head Start grantees are providing high quality, comprehensive services to the children and families in their communities. Where they are not, grantees are denied automatic renewal of their grant and must apply for continuing funding through an open competition process. Determinations are based on seven conditions designed to measure service quality, program operational quality, and fiscal and internal integrity.

The ACF is proposing to conduct an evaluation of the DRS. The purpose of the evaluation is to understand if the DRS is working as intended, as a valid, reliable, and transparent method for identifying high-quality programs that can receive continuing five-year grants without competition and as a system that encourages overall program quality improvement. It also seeks to understand how the system is working, the circumstances in which it works more or less well, and the contextual, demographic, and program factors and program actions associated with how well the system is working. The study will employ a mixed-methods design that integrates and layers administrative and secondary data sources, observational measures, and interviews to develop a rich knowledge base about what the DRS accomplishes and how it does so.

Respondents: Head Start program directors; other program managers including grantee agency directors, center directors, and education services coordinators; Head Start teachers; and members of Head Start governing bodies and local policy councils.

ANNUAL BURDEN ESTIMATES

Instrument	Total number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours	Annual burden hours
Quality Measures Follow Up Interview: Teachers	830	1	0.4	332	166
Quality Measures Follow Up Interview: Center Directors	350	1	1.5	525	263
Quality Measures Follow Up Interview: Program Directors	70	1	1.1	77	39
DRS Telephone Interview: Program Directors	35	1	1.25	44	22
DRS In-Depth Interview: Agency Directors	15	1	1	15	8
DRS In-Depth Interview: Program Directors	15	1	1.5	23	12
DRS In-Depth Interview: Policy Council/Governing Body	75	1	1.5	113	57
DRS In-Depth Program Managers	45	1	1.5	68	34
Competition In-Depth Interview: Agency and Program Directors	18	1	1.25	23	12
Competition In-Depth Interview: Policy Council/Governing Body	45	1	1.5	68	34
Competition In-Depth Interview: Program Managers	27	1	1.5	41	21
Competition Data Capture Sheet	500	1	0.15	75	38
Estimated Total Annual Burden Hours	.....	.....	.....	.....	706

In compliance with the requirements of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Administration for Children and Families is soliciting public comment on the specific aspects of the information collection described above. Copies of the proposed collection of information can be obtained and comments may be forwarded by writing to the Administration for Children and Families, Office of Planning, Research and Evaluation, 370 L'Enfant Promenade SW., Washington, DC 20447, Attn: OPRE Reports Clearance Officer. Email address: *OPREinfocollection@acf.hhs.gov.* All requests should be identified by the title of the information collection.

The Department specifically requests comments on (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Steven M. Hanmer,

Reports Clearance Officer.

[FR Doc. 2013–13716 Filed 6–10–13; 8:45 am]

BILLING CODE 4184–22–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2013–P–0113]

Determination That CORDRAN (Flurandrenolide) Ointment USP, 0.025% and 0.05%, Were Not Withdrawn From Sale for Reasons of Safety or Effectiveness

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) has determined that CORDRAN (flurandrenolide) Ointment USP, 0.025% and 0.05%, were not withdrawn from sale for reasons of safety or effectiveness. This determination will allow FDA to approve abbreviated new drug applications (ANDAs) for

flurandrenolide ointment, 0.025% and 0.05%, if all other legal and regulatory requirements are met.

FOR FURTHER INFORMATION CONTACT: Christine Kirk, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6280, Silver Spring, MD 20993–0002, 301–796–2465.

SUPPLEMENTARY INFORMATION: In 1984, Congress enacted the Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98–417) (the 1984 amendments), which authorized the approval of duplicate versions of drug products under an ANDA procedure. ANDA applicants must, with certain exceptions, show that the drug for which they are seeking approval contains the same active ingredient in the same strength and dosage form as the ''listed drug,'' which is a version of the drug that was previously approved. ANDA applicants do not have to repeat the extensive clinical testing otherwise necessary to gain approval of a new drug application (NDA).

The 1984 amendments include what is now section 505(j)(7) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)(7)), which requires FDA to publish a list of all approved drugs. FDA publishes this list as part of the ''Approved Drug Products With Therapeutic Equivalence Evaluations,'' which is known generally as the ''Orange Book.'' Under FDA regulations, drugs are removed from the list if the Agency withdraws or suspends approval of the drug's NDA or ANDA for reasons of safety or effectiveness or if FDA determines that the listed drug was withdrawn from sale for reasons of safety or effectiveness (21 CFR 314.162).

A person may petition the Agency to determine, or the Agency may determine on its own initiative, whether a listed drug was withdrawn from sale for reasons of safety or effectiveness. This determination may be made at any time after the drug has been withdrawn from sale, but must be made prior to approving an ANDA that refers to the listed drug (§ 314.161 (21 CFR 314.161)). FDA may not approve an ANDA that does not refer to a listed drug.

CORDRAN (flurandrenolide) Ointment USP, 0.025% and 0.05%, are the subject of NDA 012806, held by Aqua Pharmaceuticals, and initially approved on October 18, 1965. CORDRAN Ointment is a topical corticosteroid indicated for the relief of the inflammatory and pruritic manifestations of corticosteroid-responsive dermatoses.

CORDRAN (flurandrenolide) Ointment USP, 0.025% and 0.05%, are currently listed in the ''Discontinued Drug Product List'' section of the Orange Book.

IGI Labs, Inc., submitted a citizen petition dated January 15, 2013 (Docket No. FDA–2013–P–0113), under 21 CFR 10.30, requesting that the Agency determine whether CORDRAN (flurandrenolide) Ointment USP, 0.05%, was voluntarily withdrawn or withheld from sale for reasons of safety or effectiveness. Although the citizen petition did not address the 0.025% strength, that strength has also been discontinued. On our own initiative, we have also determined whether that strength was withdrawn for safety or effectiveness reasons.

After considering the citizen petition and reviewing Agency records and based on the information we have at this time, FDA has determined under § 314.161 that CORDRAN (flurandrenolide) Ointment USP, 0.025% and 0.05%, were not withdrawn for reasons of safety or effectiveness. The petitioner has identified no data or other information suggesting that CORDRAN (flurandrenolide) Ointment USP, 0.025% and 0.05%, were withdrawn for reasons of safety or effectiveness. We have carefully reviewed our files for records concerning the withdrawal of CORDRAN (flurandrenolide) Ointment USP, 0.025% and 0.05%, from sale. We have also independently evaluated relevant literature and data for possible postmarketing adverse events. We have found no information that would indicate that these products were withdrawn from sale for reasons of safety or effectiveness.

Accordingly, the Agency will continue to list CORDRAN (flurandrenolide) Ointment USP, 0.025% and 0.05%, in the ''Discontinued Drug Product List'' section of the Orange Book. The ''Discontinued Drug Product List'' delineates, among other items, drug products that have been discontinued from marketing for reasons other than safety or effectiveness. ANDAs that refer to CORDRAN (flurandrenolide) Ointment USP, 0.025% or 0.05%, may be approved by the Agency as long as they meet all other legal and regulatory requirements for the approval of ANDAs. If FDA determines that labeling for these drug products should be revised to meet current standards, the Agency will advise ANDA applicants to submit such labeling.

Dated: June 6, 2013.

Janet Woodcock,

Director, Center for Drug Evaluation and Research.

[FR Doc. 2013–13782 Filed 6–10–13; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Submission to OMB for Review and Approval; Public Comment Request

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Notice.

SUMMARY: In compliance with Section 3507(a)(1)(D) of the Paperwork Reduction Act of 1995, the Health Resources and Services Administration (HRSA) has submitted an Information Collection Request (ICR) to the Office of Management and Budget (OMB) for review and approval. Comments submitted during the first public review of this ICR will be provided to OMB. OMB will accept further comments from the public during the review and approval period.

DATES: Comments on this ICR should be received within 30 days of this notice.

ADDRESSES: Submit your comments, including the Information Collection Request Title, to the desk officer for HRSA, either by email to *OIRA_submission@omb.eop.gov* or by fax to 202–395–5806.

FOR FURTHER INFORMATION CONTACT: To request a copy of the clearance requests submitted to OMB for review, email the HRSA Information Collection Clearance Officer at *paperwork@hrsa.gov* or call (301) 443–1984.

SUPPLEMENTARY INFORMATION:

Information Collection Request Title: The Stem Cell Therapeutic Outcomes Database (OMB No. 0915–0310)—Revision.

Abstract: The Stem Cell Therapeutic and Research Act of 2005, Public Law (Pub. L.) 109–129, as amended by the Stem Cell Therapeutic and Research Reauthorization Act of 2010, Public Law 111–264 (the Act), provides for the collection and maintenance of human blood stem cells for the treatment of patients and research. HRSA's Healthcare Systems Bureau has established the Stem Cell Therapeutic Outcomes Database. Operation of this database necessitates certain record keeping and reporting requirements in

order to perform the functions related to hematopoietic stem cell transplantation under contract to the U.S. Department of Health and Human Services (HHS). The Act requires the Secretary to contract for the establishment and maintenance of information related to patients who have received stem cell therapeutic products and to do so using a standardized, electronic format. Data is collected from transplant centers by the Center for International Blood and Marrow Transplant Research and is used for ongoing analysis of transplant outcomes. HRSA uses the information in order to carry out its statutory responsibilities. Information is needed to monitor the clinical status of transplantation and to provide the Secretary of HHS with an annual report of transplant center-specific survival data. The increase in burden, as reflected in this revised submission request, is due to an increase in the annual number of transplants and increasing survivorship after transplantation.

Burden Statement: Burden in this context means the time expended by persons to generate, maintain, retain, disclose or provide the information requested. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information; to search data sources; to complete and review the collection of information; and to transmit or otherwise disclose the information. The total annual burden hours estimated for this ICR are summarized in the table below.

TOTAL ESTIMATED ANNUALIZED BURDEN—HOURS

Form name	Number of respondents	Responses per respondent	Total responses	Hours per response	Total burden hours
Baseline Pre-TED (Transplant Essential Data)	200	38	7,600	1	7,600
Product Form (includes Infusion, HLA, and Infectious Disease Marker inserts)	200	29	5,800	1	5,800
100-Day Post-TED	200	38	7,600	0.85	6,460
6-Month Post-TED	200	31	6,200	1	6,200
12-Month Post-TED	200	27	5,400	1	5,400
Annual Post-TED	200	104	20,800	1	20,800
Total	200		53,400		52,260

Dated: June 5, 2013.

Bahar Niakan,

Director, Division of Policy and Information Coordination.

[FR Doc. 2013–13790 Filed 6–10–13; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Submission for OMB Review; 30-day Comment Request; Web-Based Media Literacy Parent Training for Substance Use Prevention in Rural Locations

SUMMARY: Under the provisions of Section 3507(a)(1)(D) of the Paperwork Reduction Act of 1995, the National Institute on Drug Abuse, National Institutes of Health (NIH) has submitted to the Office of Management and Budget (OMB) a request for review and approval of the information collection listed below. This proposed information collection was previously published in the **Federal Register** on March 27, 2013, pages 18612–18613 and allowed 60-days for public comment. No public comments were received. The purpose of this notice is to allow an additional 30 days for public comment. The National Institute on Drug Abuse (NIDA), National Institutes of Health, may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

Direct Comments To OMB: Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the: Office of Management and Budget, Office of Regulatory Affairs, *OIRA_submission@omb.eop.gov* or by fax to 202–395–6974, Attention: NIH Desk Officer.

Comments Due Date: Comments regarding this information collection are best assured of having their full effect if received within 30-days of the date of this publication.

FOR FURTHER INFORMATION CONTACT: To obtain a copy of the data collection plans and instruments, submit comments in writing, or request more information on the proposed project contact: Dr. Augie Diana, Health Scientist Administrator, Prevention Research Branch, Division of Epidemiology, Services, and Prevention Research, NIDA, NIH, 6001 Executive Boulevard, Room 5163, Bethesda, MD 20892, or call non-toll-free number (301) 443–1942 or Email your request, including your address to: *dianaa@nida.nih.gov*. Formal requests for additional plans and instruments must be requested in writing.

Proposed Collection: Web-based Media Literacy Parent Training for Substance Use Prevention in Rural Locations, 0925-New, National Institute on Drug Abuse (NIDA), National Institutes of Health (NIH).

Need and Use of Information Collection: This study will develop a web-based media literacy substance use prevention intervention for use with parents and their elementary school children (approximately ages 7–12), and will evaluate the program in a randomized controlled trial to establish program efficacy in six rural communities in North Carolina and Texas. The primary objectives of the study are to assess the efficacy of a media literacy education program that is specifically designed to overcome barriers to prevention efforts in rural communities, and to provide the scientific basis for establishing the program, Media Detective Family, as an evidence-based substance use prevention curriculum. The findings will provide valuable information concerning: (1) The appropriateness of using technology for substance use prevention programming (i.e., internet, Smartphone, or tablet-based applications) to reach rural families with elementary school-aged children;

(2) improvements in parents' and children's critical thinking skills associated with intervention exposure; (3) improvements in parent-child communication about substances and the media associated with intervention exposure; and (4) reductions in children's behavioral intentions to use substances associated with intervention exposure.

OMB approval is requested for two years. There are no costs to respondents other than their time. There are no capital, operating, and/or maintenance costs. The total estimated annualized burden hours are 1067.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Number of respondents	Frequency of response	Average time per response	Annual hour burden
Adults:				
Permission & Consent	200	1	10/60	33.33
Pretest		1	50/60	166.67
Posttest		1	45/60	150.00
Follow-up		1	45/60	150.00
Usage Log		2	10/60	67.00
Children:				
Assent	200	1	10/60	33.33
Pretest		1	50/60	166.67
Posttest		1	45/60	150.00
Follow-up		1	45/60	150.00

Dated: June 5, 2013.

Glenda J. Conroy,

Executive Officer, (OM Director), National Institute on Drug Abuse, NIH.

[FR Doc. 2013–13795 Filed 6–10–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Aging Special Emphasis Panel SWAN.

Date: June 27, 2013.

Time: 9:30 a.m. to 12:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute on Aging, Gateway Building, Suite 2C212, 7201 Wisconsin Avenue, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Rebecca Jo Ferrell, Ph.D., Scientific Review Branch, National Institute on Aging, Gateway Building, 7201 Wisconsin Avenue, Suite 2C212, Bethesda, MD 20892, 301–402–7703, *rebecca.ferrell@nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: National Institute on Aging Special Emphasis Panel Member Conflict.

Date: July 29, 2013.

Time: 10:00 a.m. to 11:30 a.m.

Agenda: To review and evaluate grant applications.

Place: National Institute on Aging, Gateway Building, Suite 2C212, 7201 Wisconsin Avenue, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Ramesh Vemuri, Ph.D., Scientific Review Branch, National Institute on Aging, Gateway Building, 7201 Wisconsin Avenue, Suite 2C212, Bethesda, MD 20892, 301–402–7700, *rv23r@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: June 4, 2013.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2013–13620 Filed 6–10–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Biomedical Imaging and Bioengineering; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Biomedical Imaging and Bioengineering Special Emphasis Panel; NIBIB K Training Meeting.

Date: July 15, 2013.

Time: 12:30 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, DEM II, 6707 Democracy Blvd., Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Ruth Grossman, DDS, Scientific Review Officer, National Institute of Biomedical Imaging and Bioengineering, 6707 Democracy Boulevard, Room 960, Bethesda, MD 20892, 301–496–8775, *grossmanrs@mail.nih.gov.*

Dated: June 5, 2013.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2013–13743 Filed 6–10–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Alcohol Abuse and Alcoholism; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of a meeting of the Board of Scientific Counselors, NIAAA.

The meeting will be closed to the public as indicated below in accordance with the provisions set forth in section 552b(c)(6), Title 5 U.S.C., as amended for the review, discussion, and evaluation of individual intramural programs and projects conducted by the National Institute on Alcohol Abuse and Alcoholism, including consideration of personnel qualifications and performance, and the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Board of Scientific Counselors, NIAAA.

Date: August 28–29, 2013.

Time: 7:45 a.m. to 6:00 p.m.

Agenda: To review and evaluate personal qualifications and performance, and competence of individual investigators.

Place: NIAAA/NIH, 5635 Fishers Lane, Room T508, Rockville, MD 20852.

Contact Person: Trish Scullion, Chief of Administrative Branch National Institute of Health National Institute on Alcohol Abuse and Alcoholism, 5635 Fishers Lane, Room 3061, Rockville, MD 20852, 301–443–6076.

(Catalogue of Federal Domestic Assistance Program No. 93.273, Alcohol Research Programs; National Institutes of Health, HHS)

Dated: June 5, 2013.

Carolyn A. Baum,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2013–13742 Filed 6–10–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2013–0407]

Merchant Marine Personnel Advisory Committee: Intercessional Meeting

AGENCY: Coast Guard, DHS.

ACTION: Notice of Federal Advisory Committee Working Group Meeting.

SUMMARY: A working group of the Merchant Marine Personnel Advisory Committee (MERPAC) will meet to work on Task Statement 78, entitled ''Consideration of the International Labor Organization's Maritime Labour Convention, 2006.'' This meeting will be open to the public.

DATES: A MERPAC working group will meet on June 26, 2013, and June 27, 2013, from 8 a.m. until 4 p.m. Please note that the meeting may adjourn early if all business is finished. Written comments to be distributed to working group members and placed on MERPAC's Web site are due by June 12, 2013.

ADDRESSES: The working group will meet at the Jemal Building of U.S. Coast Guard Headquarters, Room 08–1419, 1900 Half St., SW., Washington, DC 20593. Attendees will be required to provide a picture identification card and pass through a magnetometer in order to gain admittance to the Jemal Building. Visitors should also arrive at least 30 minutes in advance of the meeting in case of long lines at the entrance.

For further information about the Coast Guard facilities or services for individuals with disabilities or to request special assistance, contact Mr. Davis Breyer at (202) 372–1445 or *davis.j.breyer@uscg.mil.*

To facilitate public participation, we are inviting public comment on the issues to be considered by the work group, which are listed in the ''Agenda'' section below. Written comments must be identified by Docket No. USCG–2013–0407 and may be submitted by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments (preferred method to avoid delays in processing).
- *Fax:* 202–493–2251.
- *Mail:* Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001.
- *Hand delivery:* Same as mail address above, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays. The telephone number is 202–366–9329.

Instructions: All submissions received must include the words ''Department of Homeland Security'' and the docket number for this action. Comments received will be posted without alteration at *http://www.regulations.gov,* including any personal information provided. You may review a Privacy Act notice regarding our public dockets in the January 17, 2008, issue of the **Federal Register** (73 FR 3316).

Docket: For access to the docket to read documents or comments related to this notice, go to *http://www.regulations.gov.*

This notice may be viewed in our online docket, USCG–2013–0407, at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Mr. Davis Breyer, Alternate Designated Federal Officer of MERPAC, telephone 202–372–1445. If you have any questions on viewing or submitting material to the docket, call Barbara Hairston, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION: Notice of this meeting is given under the Federal Advisory Committee Act (FACA), 5 U.S.C. App. (Pub. L. 92–463).

MERPAC is an advisory committee authorized under section 871 of the Homeland Security Act of 2002, Title 6, United States Code, section 451, and chartered under the provisions of the FACA. The Committee acts solely in an advisory capacity to the Secretary of the Department of Homeland Security (DHS) through the Commandant of the Coast Guard and the Director of Commercial Regulations and Standards on matters relating to personnel in the U.S. merchant marine, including but not limited to training, qualifications, certification, documentation, and fitness standards. The Committee will advise, consult with, and make recommendations reflecting its independent judgment to the Secretary.

Agenda

Day 1

The agenda for the June 26, 2013, working group meeting is as follows:

(1) Prepare a document that outlines those areas of concern that present the greatest challenge for U.S. maritime industry compliance with the International Labor Organization's Maritime Labour Convention, 2006;

(2) Public comment period;

(3) Discuss and prepare proposed recommendations for the full committee to consider with regards to Task Statement 78, entitled ''Consideration of the International Labor Organization's Maritime Labour Convention, 2006''; and

(4) Adjournment of meeting.

Day 2

The agenda for the June 27, 2013, working group meeting is as follows:

(1) Continue discussion on proposed recommendations;

(2) Public comment period;

(3) Discuss and prepare final recommendations for the full committee to consider with regards to Task Statement 78, entitled ''Consideration of the International Labor Organization's

Maritime Labour Convention, 2006''; and

(4) Adjournment of meeting.

Procedural: A copy of all meeting documentation, including the Task Statement, is available at *https://homeport.uscg.mil* by using these key strokes: Missions; Port and Waterways Safety; Advisory Committees; MERPAC; and then use the event key. Alternatively, you may contact Mr. Breyer as noted in the **ADDRESSES** section above.

Public oral comment periods will be held during the working group meeting. Speakers are requested to limit their comments to 3 minutes. Please note that the public oral comment periods may end before the prescribed ending time following the last call for comments. Contact Davis Breyer no later than June 19, 2013 as indicated above to register as a speaker.

Dated: June 6, 2013.

J.G. Lantz,

Director of Commercial Regulations and Standards.

[FR Doc. 2013–13854 Filed 6–10–13; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Transportation Security Administration

[Docket No. TSA–2011–0008]

Aviation Security Advisory Committee Charter Renewal and Request for Applicants

AGENCY: Transportation Security Administration, DHS.

ACTION: Committee Management; Notice of Charter Renewal and Request for Applicants.

SUMMARY: The Transportation Security Administration (TSA) announces the renewal of the charter for the Aviation Security Advisory Committee (ASAC). The Secretary of Homeland Security has determined that the ASAC is necessary and in the public interest in connection with the performance of duties of TSA. This determination follows consultation with the Committee Management Secretariat, General Services Administration, who is responsible for monitoring and reporting executive branch compliance with the Federal Advisory Committee Act (FACA).

DATES: Submit applications for membership and comments by June 24, 2013.

ADDRESSES: You may submit applications for membership as stated in the Aviation Security Advisory Committee Charter Renewal section below. Comments, identified by the TSA docket number to this action, may be submitted to the Federal Docket Management System (FDMS), a government-wide, electronic docket management system, using any one of the following methods:

Electronically: You may submit comments through the Federal eRulemaking portal at *http://www.regulations.gov.* Follow the online instructions for submitting comments.

Mail, In Person, or Fax: Address, hand-deliver, or fax your written comments to the Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001; fax (202) 493–2251. The Department of Transportation (DOT), which maintains and processes TSA's official regulatory dockets, will scan the submission and post it to FDMS.

See **SUPPLEMENTARY INFORMATION** for format and other information about comment submissions.

FOR FURTHER INFORMATION CONTACT: Dean Walter, ASAC Designated Federal Officer, Transportation Security Administration (TSA–28), 601 12th St. South, Arlington, VA 20598–4028, *Dean.Walter@dhs.gov,* 571–227–2645.

SUPPLEMENTARY INFORMATION:

Comments Invited

TSA invites feedback on this action by submitting written comments, data or views. See **ADDRESSES** above for information on where to submit comments.

Please identify the docket number at the beginning of your comments. TSA encourages commenters to provide their names and addresses. Please submit your comments and material by only one method. If you submit comments by mail or delivery, submit them in an unbound format, no larger than 8.5 by 11 inches, suitable for copying and electronic filing.

TSA will file all comments to our docket address, as well as items sent to the address or email under **FOR FURTHER INFORMATION CONTACT**, in the public docket, except for comments containing confidential information and sensitive security information (SSI).[1] Should you wish your personally identifiable information redacted prior to filing in the docket, please so state. TSA will consider all comments that are in the docket on or before the closing date for comments and will consider comments filed late to the extent practicable. The docket is available for public inspection before and after the comment closing date.

Handling of Confidential or Proprietary Information and Sensitive Security Information (SSI) Submitted in Public Comments

Do not submit comments that include trade secrets, confidential commercial or financial information, or SSI to the public regulatory docket. Please submit such comments separately from other comments on the action. Comments containing this type of information should be appropriately marked as containing such information and submitted by mail to the address listed in **FOR FURTHER INFORMATION CONTACT** section.

TSA will not place comments containing SSI in the public docket and will handle them in accordance with applicable safeguards and restrictions on access. TSA will hold documents containing SSI, confidential business information, or trade secrets in a separate file to which the public does not have access, and place a note in the public docket explaining that commenters have submitted such documents. TSA may include a redacted version of the comment in the public docket. If an individual requests to examine or copy information that is not in the public docket, TSA will treat it as any other request under the Freedom of Information Act (FOIA) (5 U.S.C. 552) and the Department of Homeland Security's (DHS') FOIA regulation found in 6 CFR part 5.

Reviewing Comments in the Docket

Please be aware that anyone is able to search the electronic form of all comments in any of our dockets by the name of the individual who submitted the comment (or signed the comment, if an association, business, labor union, etc., submitted the comment). You may review the applicable Privacy Act Statement published in the **Federal Register** on April 11, 2000 (65 FR 19477), or you may visit *http://DocketInfo.dot.gov.*

You may review TSA's electronic public docket on the Internet at *http://www.regulations.gov.* In addition, DOT's Docket Management Facility provides a physical facility, staff, equipment, and assistance to the public. To obtain assistance or to review comments in TSA's public docket, you may visit this facility between 9:00 a.m. to 5:00 p.m.,

[1] ''Sensitive Security Information'' or ''SSI'' is information obtained or developed in the conduct of security activities, the disclosure of which would constitute an unwarranted invasion of privacy, reveal trade secrets or privileged or confidential information, or be detrimental to the security of transportation. The protection of SSI is governed by 49 CFR part 1520.

Monday through Friday, excluding legal holidays, or call (202) 366–9826. This docket operations facility is located in the West Building Ground Floor, Room W12–140 at 1200 New Jersey Avenue SE., Washington, DC 20590.

Availability of Document

You can get an electronic copy using the Internet by—

(1) Searching the electronic Federal Docket Management System (FDMS) Web page at *http://www.regulations.gov;*

(2) Accessing the Government Printing Office's Web page at *http://www.gpoaccess.gov/fr/index.html;* or

(3) Visiting TSA's Security Regulations Web page at *http://www.tsa.gov* and accessing the link for ''Research Center'' at the top of the page.

In addition, copies are available by writing or calling the individual in the **FOR FURTHER INFORMATION CONTACT** section. Make sure to identify the docket number of this action.

Background

ASAC is a committee composed of private sector organizations that was chartered in 1989 by the Federal Aviation Administration in the wake of the crash and destruction of Pan American World Airways Flight 103 in 1988 over Lockerbie, Scotland by a terrorist bomb. On November 19, 2001, the Aviation and Transportation Security Act (ATSA) was signed into law, which among other things established the Transportation Security Administration (TSA) and transferred to it the responsibility for civil aviation security. Accordingly, sponsorship of ASAC was also transferred to TSA. Since that time TSA has taken steps to focus the committee's efforts in directions that are relevant and useful to TSA's post-September 11 mission.

The Aviation Security Advisory Committee Charter Renewal

The charter renewal and use of ASAC are determined to be in the public interest in connection with the performance of duties imposed on TSA by law as follows:

Name of Committee: Aviation Security Advisory Committee.

Purpose and Objective: ASAC is being renewed in accordance with the provisions of FACA, 5 U.S.C. App. (Pub. L. 92–463). ASAC's mission is to examine areas of civil aviation security as tasked by TSA with the aim of addressing current issues and/or developing recommendations for improvements to civil aviation security methods, equipment, and processes. The committee will provide advice and recommendations for improving aviation security measures to the Administrator of TSA. The committee will meet at least twice each year, usually in the Washington, DC metropolitan area, but may meet more often as the need arises.

Members are recommended for appointment by the Administrator of TSA and appointed by and serve at the pleasure of the Secretary of the Homeland Security. Members serve at their own expense and receive no salary, reimbursement of travel expenses or other compensation from the Federal Government. TSA retains authority to review the participation of any ASAC member and to recommend changes for cause at any time.

Balanced Membership Plans: The ASAC will be composed of individual members representing private sector organizations of key constituencies affected by aviation security requirements. The membership categories are:

- Victims of Terrorist Acts Against Aviation
- Law Enforcement and Security Experts
- Aviation Consumer Advocates
- Airport Tenants and General Aviation
- Airport Operators
- Airline Management
- Airline Labor
- Aircraft and Security Equipment Manufacturers
- Air Cargo

ASAC does not have a specific number of members allocated to any membership category and the number of members in a category may change to fit the needs of the Committee. However, all membership categories will be represented. Members shall serve as representatives and speak on behalf of their respective organizations and will not be appointed as Special Government Employees as defined in 18 U.S.C. 202(a).

Membership Appointment Criteria: Individuals will be appointed based on the following criteria: (1) Not registered as a Federal Lobbyist per Presidential Memorandum—Lobbyists on Agency Boards and Commissions, dated June 18, 2010, and has not served in such a role for a two-year period prior to appointment; (2) background, experience, and position support one of the membership categories (SEE Balanced Membership Plans section); and (3) represent a significant portion of the constituency within a membership category (SEE Balanced Membership Plans section).

Duration: Continuing.

Responsible TSA Official: Dean Walter, ASAC Designated Federal Officer, Transportation Security Administration (TSA–28), 601 South 12th St., Arlington, VA 20598–4028, *Dean.Walter@dhs.gov,* 571–227–2645.

Applying for Appointment: Qualified individuals interested in serving on this committee are invited to apply to TSA. Please email your resume to the *Responsible TSA Official* noted above by June 24, 2013. Applicants will be selected for appointment based on the criteria stated in the *Membership Appointment Criteria* section above.

Dated: June 5, 2013.

John P. Sammon,

Assistant Administrator, Security Policy and Industry Engagement.

[FR Doc. 2013–13713 Filed 6–10–13; 8:45 am]

BILLING CODE 9110–05–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Agency Information Collection Activities: Visa Waiver Program Carrier Agreement (CBP Form I–775)

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: 30-Day notice and request for comments; Extension of an existing information collection: 1651–0110.

SUMMARY: U.S. Customs and Border Protection (CBP) of the Department of Homeland Security will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act: Visa Waiver Program Carrier Agreement (CBP Form I–775). This is a proposed extension of an information collection that was previously approved. CBP is proposing that this information collection be extended with no change to the burden hours. This document is published to obtain comments from the public and affected agencies. This information collection was previously published in the **Federal Register** (78 FR 19726) on April 2, 2013, allowing for a 60-day comment period. This notice allows for an additional 30 days for public comments. This process is conducted in accordance with 5 CFR 1320.10.

DATES: Written comments should be received on or before July 11, 2013.

ADDRESSES: Interested persons are invited to submit written comments on this information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the

OMB Desk Officer for U.S. Customs and Border Protection, Department of Homeland Security, and sent via electronic mail to *oira_submission@omb.eop.gov* or faxed to (202) 395–5806.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Tracey Denning, U.S. Customs and Border Protection, Regulations and Rulings, Office of International Trade, 90 K Street NE., 10th Floor, Washington, DC 20229–1177, at 202–325–0265.

SUPPLEMENTARY INFORMATION: CBP invites the general public and affected Federal agencies to submit written comments and suggestions on proposed and/or continuing information collection requests pursuant to the Paperwork Reduction Act (Pub. L. 104–13). Your comments should address one of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency/component, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agencies/components estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collections of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological techniques or other forms of information.

Title: Visa Waiver Program Carrier Agreement.

OMB Number: 1651–0110.

Form Number: CBP Form I–775.

Abstract: 8 U.S.C. 1223(a) of the Immigration and Nationality Act (INA) provides for the necessity of a transportation contract. The statute provides that the Attorney General may enter into contracts with transportation lines for the inspection and administration of aliens coming into the United States from a foreign territory or from adjacent islands. No such transportation line shall be allowed to land any such alien in the United States until and unless it has entered into any such contracts which may be required by the Attorney General. Pursuant to the Homeland Security Act of 2002, this authority was transferred to the Secretary of Homeland Security.

The Visa Waiver Program Carrier Agreement (CBP Form I–775) is used by carriers to request acceptance by CBP into the Visa Waiver Program (VWP). This form is an agreement whereby carriers agree to the terms of the VWP as delineated in Section 217(e) of the INA (8 U.S.C. 1187(e)). Once participation is granted, CBP Form I–775 serves to hold carriers liable for the transportation costs, to ensure the completion of required forms, and to share passenger data. Regulations are promulgated at 8 CFR Part 233, *Contracts with Transportation Lines*. A copy of CBP Form I–775 is accessible at: *http://forms.cbp.gov/pdf/CBP_Form_I775.pdf*.

Current Actions: This submission is being made to extend the expiration date with no change to information collected or to CBP Form I–775.

Type of Review: Extension (without change).

Affected Public: Businesses.

Estimated Number of Respondents: 400.

Estimated Number of Annual Responses per Respondent: 1.

Estimated Number of Total Annual Responses: 400.

Dated: June 3, 2013.

Tracey Denning,

Agency Clearance Officer, U.S. Customs and Border Protection.

[FR Doc. 2013–13770 Filed 6–10–13; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5690–N–06]

60-Day Notice of Proposed Information Collection: Section 8 Management Assessment Program (SEMAP)

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 60 days of public comment.

DATES: *Comments Due Date: August 12, 2013.*

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW., Room 4176, Washington, DC 20410–5000; telephone 202–402–5564 (this is not a toll-free number) or email at *Colette.Pollard@hud.gov* for a copy of the proposed forms or other available information. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

FOR FURTHER INFORMATION CONTACT: Arlette Mussington, Office of Policy, Programs and Legislative Initiatives, PIH, Department of Housing and Urban Development, 451 7th Street SW., (L'Enfant Plaza, Room 2206), Washington, DC 20410; telephone 202–402–4109 This is not a toll-free number. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339. Copies of available documents submitted to OMB may be obtained from Ms. Mussington.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

A. Overview of Information Collection

Title of Information Collection: Section 8 Management Assessment Program (SEMAP).

OMB Approval Number: 2577–0215.

Type of Request (Extension of currently approved collection):

Form Number: HUD–52648.

Description of the need for the information and proposed use: Program regulations at 24 CFR Part 985 set forth the requirements of the SEMAP that include a certification of indicators reflecting performance. Through this assessment, HUD can improve oversight of the Housing Choice Voucher program and target monitoring and assistance to public housing agencies (PHA) that need the most improvement and pose the greatest risk. PHAs designated as troubled must implement corrective action plans for improvements.

Respondents (i.e. affected public): State, Local, or Tribal Governments.

Information collection	No. of respondents	Frequency of response	Responses per annum	Burden hour per response	Annual burden hours	Annual cost
SEMAP Certification	2,302	1	2,302	12	27,624	
Corrective Action Plan	80	1	100	10	800	
Report on Correction of SEMAP Deficiency	575	1	575	2	1,150	
Total Estimated Annual Burden Hours						$29,574

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. chapter 35.

Dated: June 5, 2013.

Merrie Nichols-Dixon,

Deputy Director, Office of Policy, Programs and Legislative Initiatives.

[FR Doc. 2013–13820 Filed 6–10–13; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

U.S. Geological Survey

[GR13RB00CMFRP00]

Agency Information Collection Activities: Comment Request

AGENCY: United States Geological Survey (USGS), Interior.

ACTION: Notice of new information collection, Economic Contribution of Federal Investments in Restoration of Degraded, Damaged, or Destroyed Ecosystems.

SUMMARY: To comply with the Paperwork Reduction Act of 1995 (PRA), we (The U.S. Geological Survey) are notifying the public that we have submitted to the Office of Management and Budget (OMB) the information collection request (ICR) described below. To comply with the Paperwork Reduction Act of 1995 (PRA) and as part of our continuing efforts to reduce paperwork and respondent burden, we invite the general public and other Federal agencies to take this opportunity to comment on this ICR.

DATES: Submit written comments by July 11, 2013.

ADDRESSES: Please submit written comments on this ICR directly to the Office of Management and Budget (OMB) Office of Information and Regulatory Affairs, Attention: Desk Officer for the Department of the Interior via email to *OIRA_SUBMISSION@omb.eop.gov* or fax at 202–395–5806. Please also submit comments on this information collection to the Information Collection Clearance Officer, U.S. Geological Survey, 12201 Sunrise Valley Drive MS 807, Reston, VA 20192 (mail); (703) 648–7195 (fax); or *dgovoni@usgs.gov* (email). Use Information Collection Number 1028–NEW, Economic Contribution of Federal Investments in Restoration of Degraded, Damaged, or Destroyed Ecosystems in the subject line.

FOR FURTHER INFORMATION CONTACT: Dr. Lynne Koontz, U.S. Geological Survey, 2150–C Centre Ave, Fort Collins, CO 80526 (mail); *koontzl@usgs.gov* (email); or: 970–226–9384 (phone). You may also find information on this information collection at *www.reginfo.gov.*

SUPPLEMENTARY INFORMATION:

Title: Economic Contribution of Federal Investments in Restoration of Degraded, Damaged, or Destroyed Ecosystems.

OMB Control Number: 1028–NEW.

Abstract

Federal investments in ecosystem restoration and monitoring protect Federal trusts, ensure public health and safety, and preserve and enhance essential ecosystem services. These investments also support jobs. There is a need to better understand the connection between restoring the health and productivity of ecosystems and the resulting economic benefits to local communities. This project aims to increase the available information on the costs and required inputs for ecosystem restoration and the resultant economic benefits of these investments to local economies. The project is comprised of a series of case studies that quantify the economic impacts of restoration projects. The case studies will include examples of collaboratively funded and managed projects to restore a wide range of degraded, damaged, or destroyed ecosystems. In addition to providing improved information on the economic impacts of restoration, these case studies highlight DOI restoration efforts and tell personalized stories about each project and the communities that are positively affected by restoration activities. Project methods include the collection of primary expenditure data and economic input-output modeling.

Frequency: One time.

Estimated total responses: 900. We will make an introductory call to approximately 100 project managers. We expect approximately 100 project managers will respond to the project summary survey. We expect 100 project managers and 500 contractors to respond to the expenditures survey. We expect to follow up with approximately 100 contacts to remind them to complete the survey(s).

Estimated total burden hours: 358. We estimate it will take 15 minutes to make the initial contact for the project summary survey; 15 minutes for respondents to complete the project summary survey; 30 minutes for respondents to complete the expenditure survey; and 5 minutes for a follow-up contact.

Estimated Reporting and Recordkeeping ''Non-Hour Cost'' Burden: There are no ''non-hour cost'' burdens associated with this collection of information.

Public Disclosure Statement: The PRA (44 U.S.C. 3501, *et seq.*) provides that an agency may not conduct or sponsor and you are not required to respond to a

collection of information unless it displays a currently valid OMB control number.

Comments: On November 15, 2011, we published a 60-day **Federal Register** notice (FR Doc No: 2011–29425) announcing that we would submit this information request to OMB for approval. In that notice we solicited public comments for 60 days, ending January 14, 2012. We received one comment and it was not applicable to the proposed collection.

We are soliciting comments as to: (a) Whether the proposed collection of information is necessary for the agency to perform its duties, including whether the information is useful; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) how to enhance the quality, usefulness, and clarity of the information to be collected; and (d) how to minimize the burden on the respondents, including the use of automated collection techniques or other forms of information technology. Please note that the comments submitted in response to this notice are a matter of public record. While you can ask OMB in your comment to withhold your personal identifying information from public review, we cannot guarantee that it will be done.

Dated: May 30, 2013.

Ione Taylor,

Associate Director, Energy and Minerals, and Environmental Health Programs.

[FR Doc. 2013–13711 Filed 6–10–13; 8:45 am]

BILLING CODE 4311–AM–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[F–14860–A2; LLAK940000–L14100000–HY0000–P]

Alaska Native Claims Selection

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Decision Approving Lands for Conveyance.

SUMMARY: As required by 43 CFR 2650.7(d), notice is hereby given that an appealable decision will be issued by the Bureau of Land Management (BLM) to The Kuskokwim Corporation. The decision approves the surface estate in the lands described below for conveyance pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601, et seq.). The subsurface estate in these lands will be conveyed to Calista Corporation when the surface estate is conveyed to The Kuskokwim Corporation. The lands are in the vicinity of Georgetown, Alaska, and are located in:

Seward Meridian, Alaska

T. 22 N., R. 45 W.,
Secs. 30 and 31.
Containing 1,254.64 acres.

Notice of the decision will also be published once a week for four consecutive weeks in the *Delta Discovery.*

DATES: Any party claiming a property interest in the lands affected by the decision may appeal the decision in accordance with the requirements of 43 CFR part 4 within the following time limits:

1. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, parties who fail or refuse to sign their return receipt, and parties who receive a copy of the decision by regular mail which is not certified, return receipt requested, shall have until July 11, 2013 to file an appeal.

2. Parties receiving service of the decision by certified mail shall have 30 days from the date of receipt to file an appeal.

Parties who do not file an appeal in accordance with the requirements of 43 CFR part 4 shall be deemed to have waived their rights. Notices of appeal transmitted by electronic means, such as facsimile or email, will not be accepted as timely filed.

ADDRESSES: A copy of the decision may be obtained from: Bureau of Land Management, Alaska State Office, 222 West Seventh Avenue, #13, Anchorage, AK 99513–7504.

FOR FURTHER INFORMATION, CONTACT: The BLM by phone at 907–271–5960 or by email at *blm_ak_akso_public_room@blm.gov*. Persons who use a Telecommunications Device for the Deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to contact the BLM during normal business hours. In addition, the FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the BLM. The BLM will reply during normal business hours.

Ralph L. Eluska, Sr.,

Land Transfer Resolution Specialist, Division of Lands and Cadastral.

[FR Doc. 2013–13863 Filed 6–10–13; 8:45 am]

BILLING CODE 4310–JA–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLOR–936000–L14300000–ET0000; HAG–13–0180; OR–67721]

Notice of Application for Withdrawal and Opportunity for Public Meeting; Oregon

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The United States Forest Service (USFS) has filed an application with the Bureau of Land Management (BLM) requesting the Secretary of the Interior to withdraw approximately 240.59 acres of National Forest System lands in the Fremont-Winema National Forest from mining for a 20-year term to protect the integrity, functionality, and the investment of the mine reclamation work completed at the White King/Lucky Lass Mine reclamation project area. This notice segregates the National Forest System lands for up to 2 years from location and entry under the United States mining laws and gives the public an opportunity to comment on the proposed withdrawal application and to request a public meeting.

DATES: Comments and public meeting requests must be received on or before September 9, 2013.

ADDRESSES: Comments and meeting requests should be sent to the BLM Oregon/Washington State Director, P.O. Box 2965, Portland, OR 97208–2965.

FOR FURTHER INFORMATION CONTACT: Robin Ligons, Land Law Examiner, at the addresses above or by telephone at 503–808–6169, or Dianne Torpin, USFS, Pacific Northwest Region, 333 SW 1st Ave., Portland, OR 97204, 503–808–2422. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to contact either of the above individuals. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with either of the above individuals. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The USFS has filed an application requesting that the Secretary of the Interior withdraw the following described National Forest System lands in the Fremont-Winema National Forest from location and entry under the United States mining laws, but not from leasing under the mineral leasing laws, for a 20-year term, subject to valid existing rights:

Willamette Meridian

T. 37 S., R. 18 E.,

Sec. 25, NW¼NE¼.
T. 37 S., R. 19 E.,
Sec. 30, lot 1, NW¼NE¼, E½NW¼, and NW¼SE¼.

The areas described aggregate 240.59 acres in Lake County.

The purpose of the proposed withdrawal is to protect the integrity and functionality of the mine reclamation work on the White King/Lucky Lass Mine reclamation project. Mine reclamation work has been completed to contour, cap, and vegetate the site at a construction cost of $4,920,474.

The use of a right-of-way, interagency agreement, or cooperative agreement would not provide adequate protection, and could destroy the integrity and functionality of the mine reclamation work.

There are no suitable alternative sites as the described lands are the actual lands in need of protection for the reclamation work to continue.

The USFS would not need to acquire water rights to fulfill the purpose of the requested withdrawal application.

Records related to the application may be examined by contacting Robin Ligons, BLM Oregon/Washington State Office, at 503–808–6169, or at the addresses listed in the **ADDRESSES** section above.

For the period until September 9, 2013, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal application may present their views in writing to the BLM Oregon/Washington State Office, State Director at the address indicated above. Comments, including names and street addresses of respondents, will be available for public review at 333 SW 1st Avenue, indicated above during regular business hours, 8 a.m. to 4 p.m., Monday through Friday, except Federal holidays.

Before including your address, phone number, email address, or other personal identifying information in your comment, be advised that your entire comment—including your personal identifying information—may be made publicly available at any time. Individual respondents may request confidentiality. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Notice is hereby given that an opportunity for a public meeting is afforded in connection with the proposed withdrawal. All interested parties who desire a public meeting for the purpose of being heard on the proposed withdrawal must submit a written request to the BLM Oregon/Washington State Director no later than September 9, 2013.

Upon determination by the authorized officer that a public meeting will be held, a notice of the time and place will be published in the **Federal Register** and a local newspaper at least 30 days before the scheduled date of the meeting.

For a period until June 11, 2015, the lands described in this notice will be segregated from location and entry under the United States mining laws, but not from leasing under the mineral leasing laws, unless the application is denied or cancelled or the withdrawal is approved prior to that date. Licenses, permits, cooperative agreements, or discretionary land use authorizations of a temporary nature which will not significantly impact the values to be protected by the withdrawal may be allowed with the approval of the authorized officer of the BLM during the segregative period.

The application will be processed in accordance with the regulations set forth in 43 CFR 2310.3.

Christopher B DeWitt,

Acting Chief, Branch of Land, Mineral, and Energy Resources.

[FR Doc. 2013–13792 Filed 6–10–13; 8:45 am]

BILLING CODE 4310–11–P

DEPARTMENT OF THE INTERIOR

Office of the Special Trustee for American Indians

[13XD0120AF DST000000.54AB00 DT20400000]

Notice of Proposed Renewal of Information Collection: Trust Funds for Tribes and Individual Indians

AGENCY: Office of the Secretary, Office of the Special Trustee for American Indians, Interior.

ACTION: Notice and request for comments.

SUMMARY: In compliance with section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Office of the Special Trustee for American Indians, Department of the Interior, is announcing its intention to request renewal approval for the collection of information for ''Trust Funds for Tribes and Individual Indians, 25 CFR 115,'' OMB Control No. 1035–0004. This collection request has been forwarded to the Office of Management and Budget (OMB) for review and approval. The information collection request (ICR) describes the nature of the information collection and the expected burden and cost.

DATES: OMB has up to 60 days to approve or disapprove the information collection request, but may respond after 30 days; therefore, public comments should be submitted to OMB by *July 11, 2013,* in order to be assured of consideration.

ADDRESSES: Submit comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for the Department of the Interior (1035–0004), by telefax at (202) 395–5806 or via email to *OIRA_submission@omb.eop.gov.* Also, please send a copy of your comments to Helen Riggs, Office of the Special Trustee for American Indians, 4400 Masthead Street NE., Albuquerque, NM 87109 or email them to: *helen_riggs@ost.doi.gov.* Individuals providing comments should reference ''Trust Funds for Tribes and Individual Indians, 25 CFR 115,'' OMB Control No. 1035–0004.

FOR FURTHER INFORMATION CONTACT: To request more information on this information collection or to obtain a copy of the collection instrument, please write or call Helen Riggs at telephone number 505–816–1131, or send email to *helen_riggs@ost.doi.gov.* To see a copy of the entire ICR submitted to OMB, go to: *http://www.reginfo.gov* and select Information Collection Review, Currently Under Review.

SUPPLEMENTARY INFORMATION:

I. Abstract

Office of Management and Budget (OMB) regulations at 5 CFR 1320, which implement the Paperwork Reduction Act of 1995 (Pub. L. 104–131), require that interested members of the public and affected parties have an opportunity to comment on information collection and recordkeeping activities (see 5 CFR 1320.8(d)). This notice identifies an information collection activity that the Office of the Special Trustee for American Indians has submitted to OMB for renewal.

Public Law 103–412, The American Indian Trust Fund Management Reform Act of 1994 (the Reform Act) makes provisions for the Office of the Special Trustee for American Indians to administer trust fund accounts for individuals and tribes. The collection of information is required to facilitate the processing of deposits, investments, and distribution of monies held in trust by the U.S. Government and administered by the Office of the Special Trustee for American Indians. The collection of information provides the information

needed to establish procedures to: deposit and retrieve funds from accounts, perform transactions such as cashing checks, reporting lost or stolen checks, stopping payment of checks, and general verification for account activities.

The Office of Special Trustee for American Indians has revised the application form to include a section to provide the applicant the ability to direct deposit to either a checking or savings account and the means by which the Automated Clearing House (ACH) notifications will be sent.

II. Data

(1) *Title:* Trust Funds for Tribes and Individuals Indians, 25 CFR 115.

OMB Control Number: 1035–0004.

Current Expiration Date: July 31, 2013.

Type of Review: Information Collection Renewal.

Affected Entities: Individual Indians and Tribes who wish to initiate some activity on their accounts.

Estimated annual number of respondents: 323,034

Frequency of response: 1.

(2) *Annual reporting and record keeping burden:*

Total annualized reporting per respondent: ¼ hour

Total annualized reporting: 80,759 hours.

(3) *Description of the need and use of the information:* This information collection is used to process deposits, investments, and distribution of monies held in trust by the Special Trustee for individual Indians in the administration of these accounts. The respondents submit information in order to gain or retain a benefit, namely, access to funds held in trust.

(4) As required under 5 CFR 1320.8(d), a **Federal Register** notice soliciting comments on the information collection was published on March 27, 2013 (78 FR 18623). No comments were received. This notice provides the public with an additional 30 days in which to comment on the proposed information collection activity.

III. Request for Comments

The Department of the Interior invites comments on:

(a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(b) The accuracy of the agency's estimate of the burden of the collection and the validity of the methodology and assumptions used;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(d) Ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other collection techniques or other forms of information techniques.

''Burden'' means the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information, to search data sources, to complete and review the collection of information; and to transmit or otherwise disclose the information.

If you wish us to withhold your personal information, you must prominently state at the beginning of your comment what personal information you want us to withhold. We will honor your request to the extent allowable by law. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid Office of Management and Budget control number.

Dated: May 31, 2013.

Margaret Williams,

Regional Trust Administrator—Field Operations, Office of the Special Trustee for American Indians.

[FR Doc. 2013–13776 Filed 6–10–13; 8:45 am]

BILLING CODE 4310–2W–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

Notice of Proposed Information Collection

AGENCY: Office of Surface Mining Reclamation and Enforcement.

ACTION: Notice and request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the Office of Surface Mining Reclamation and Enforcement (OSM) is announcing its intention to request renewed approval for the collection of information for OSM's Special Permanent Program Performance Standards—Operations in Alluvial Valley Floors.

DATES: Comments on the proposed information collection must be received by August 12, 2013, to be assured of consideration.

ADDRESSES: Comments may be mailed to Adrienne Alsop, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave. NW., Room 202–SIB, Washington, DC 20240. Comments may also be submitted electronically to *aalsop@osmre.gov* or by Fax to (202) 219–3276.

FOR FURTHER INFORMATION CONTACT: To receive a copy of the information collection request contact Adrienne Alsop, at (202) 208–2818 or by email to *aalsop@osmre.gov*.

SUPPLEMENTARY INFORMATION: The Office of Management and Budget (OMB) regulations at 5 CFR part 1320, which implement provisions of the Paperwork Reduction Act of 1995 (Pub. L. 104–13), require that interested members of the public and affected agencies have an opportunity to comment on information collection and recordkeeping activities [see 5 CFR 1320.8 (d)]. This notice identifies an information collection that OSM will be submitting to OMB for extension. This collection is contained in 30 CFR 822.

OSM has revised burden estimates, where appropriate, to reflect current reporting levels or adjustments based on reestimates of burden or respondents. OSM will request a 3-year term of approval for this information collection activity.

Comments are invited on: (1) The need for the collection of information for the performance of the functions of the agency; (2) the accuracy of the agency's burden estimates; (3) ways to enhance the quality, utility and clarity of the information collections; and (4) ways to minimize the information collection burden on respondents, such as use of automated means of collection of the information. A summary of the public comments will accompany OSM's submissions of the information collection request to the Office of Management and Budget (OMB).

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment, including your personal identifying information, may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

This notice provides the public with 60 days in which to comment on the following information collection activity:

Title: 30 CFR 822—Special Permanent Program Performance Standards—Operations in Alluvial Valley Floors.

OMB Control Number: 1029–0049.

Summary: Sections 510(b)(5) and 515(b)(10)(F) of the Surface Coal Mining and Reclamation Act of 1977 (the Act) protect alluvial valley floors from the adverse effects of surface coal mining operations west of the 100th meridian. Part 822 requires the permittee to install, maintain, and operate a monitoring system in order to provide specific protection for alluvial valley floors. This information is necessary to determine whether the unique hydrologic conditions of alluvial valley floors are protected according to the Act.

Bureau Form Number: None.

Frequency of Collection: Annually.

Description of Respondents: 21 coal mining operators who operate on alluvial valley floors and 4 State regulatory authorities.

Total Annual Responses: 25.

Total Annual Burden Hours: 2,750.

Total Annual Non-wage Costs: $0.

Dated: June 4, 2013.

Andrew F. DeVito,

Chief, Division of Regulatory Support.

[FR Doc. 2013–13784 Filed 6–10–13; 8:45 am]

BILLING CODE 4310–05–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–881]

Certain Windshield Wiper Devices and Components Thereof; Notice of Institution of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on May 9, 2013, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, on behalf of Federal-Mogul Corporation of Southfield, Michigan and Federal-Mogul S.A. of Belgium. Letters supplementing the Complaint were filed on May 21, 2013 and May 30, 2013. The complaint alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain windshield wiper devices and components thereof by reason of infringement of U.S. Patent No. 8,347,449 (''the '449 patent''). The complaint further alleges that an industry in the United States exists as required by subsection (a)(2) of section 337.

The complainants request that the Commission institute an investigation and, after the investigation, issue an exclusion order and cease and desist orders.

ADDRESSES: The complaint, except for any confidential information contained therein, is available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Room 112, Washington, DC 20436, telephone (202) 205–2000. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at (202) 205–2000. General information concerning the Commission may also be obtained by accessing its internet server at *http://www.usitc.gov.* The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov.*

FOR FURTHER INFORMATION CONTACT: The Office of Unfair Import Investigations, U.S. International Trade Commission, telephone (202) 205–2560.

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (2012).

Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission, on June 4, 2013, *ordered that*—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain windshield wiper devices and components thereof by reason of infringement of one or more of claims 1–14 of the '449 patent, and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainants are:

Federal-Mogul Corporation,
26555 Northwestern Highway,
Southfield, MI 48033.
Federal-Mogul S.A.,
Avenue Champion 1,
6790 Aubange,
Belgium.

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Trico Corporation,
3255 West Hamlin Road,
Rochester Hills, MI 48309.
Trico Products,
1995 Billy Mitchell Boulevard,
Brownsville, TX 78521.
Trico Components,
SA de CV,
Ave Michigan #200,
Matamoros, Tamaulipas,
Mexico.

(c) The Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street SW., Suite 401, Washington, DC 20436; and

(3) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(e) and 210.13(a), such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

Issued: June 5, 2013.

By order of the Commission.

Lisa R. Barton,

Acting Secretary to the Commission.

[FR Doc. 2013–13745 Filed 6–10–13; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–501]

Certain Encapsulated Integrated Circuit Devices and Products Containing Same; Commission Determination To Request Briefing and Set a Schedule for Filing Written Submissions on the Issues of Economic Prong of the Domestic Industry Requirement, and Remedy, the Public Interest, and Bonding

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to request briefing on the economic prong of the domestic industry requirement, and on remedy, bonding and the public interest in the above-captioned investigation.

FOR FURTHER INFORMATION CONTACT: Michael Liberman, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–3115. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–2000. General information concerning the Commission may also be obtained by accessing its Internet server at *http://www.usitc.gov.* The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation under section 337 of the Tariff Act of 1930, 19 U.S.C. 1337, on December 19, 2003, based on a complaint filed by Amkor Technology Inc. (''Amkor''). *See* 68 FR 70836 (Dec. 19, 2003). Amkor alleged a violation of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), by respondents Carsem (M) Sdn Bhd; Carsem Semiconductor Sdn Bhd; and Carsem, Inc. (collectively, ''Carsem,'' or respondents) in the importation, sale for importation, and sale within the United States after importation of certain encapsulated integrated circuit devices and products containing same in connection with claims 1–4, 7, 17, 18 and 20–23 of U.S. Patent No. 6,433,277 (''the '277 patent''); claims 1–4, 7 and 8 of U.S. Patent No. 6,630,728 (''the '728 patent''); and claims 1, 2, 13 and 14 of U.S. Patent No. 6,455,356 (''the '356 patent'').

On November 18, 2004, the ALJ issued a final initial determination (''Final ID'') finding no violation of section 337. After reviewing the Final ID in its entirety, the Commission on March 31, 2005, modified the ALJ's claim construction and remanded the investigation to the ALJ with instructions ''to conduct further proceedings and make any new findings or changes to his original findings that are necessitated by the Commission's new claim construction.'' Commission Order ¶ 8 (March 31, 2005). On November 9, 2005, the ALJ issued a remand initial determination (''Remand ID''). The Remand ID made certain findings as to the remanded issues. Specifically, with respect to the issue of infringement, the Remand ID found that (1) claims 1–4, 7, 17, 18 and 20–23 of the '277 patent are infringed by some or all of Carsem's accused imported ''Micro Leadframe Packages'' (''MLPs'') products; (2) claims 1, 2 and 7 of the '728 patent are infringed by some or all of Carsem's accused imported MLP products; and (3) claims 1, 2, 13 and 14 of the '356 patent are not infringed by any of Carsem's accused imported MLP products. Furthermore, with respect to the issue of validity, the Remand ID found that claims 1, 7, 17, 18 and 20 of the '277 patent are invalid under 35 U.S.C. 102(b) as anticipated by certain prior art references, but claims 2–4 and 21–23 of the '277 patent are not; (2) claims 1–4, 7 and 8 of the '728 patent are invalid under 35 U.S.C. 102(b) as anticipated by certain prior art references; (3) claims 1, 2, 13 and 14 of the '356 patent are not invalid under 35 U.S.C. 102(b) as anticipated by certain prior art references; (4) claim 1 of the '277 patent is invalid under 35 U.S.C. 103(a) as obvious in view of a combination of certain prior art references; (5) claims 2–4, 7, 17, 18 and 20–23 of the '277 patent are not invalid under 35 U.S.C. 103(a); (6) claims 3, 4 and 8 of the '728 patent are invalid under 35 U.S.C. 103(a) as obvious in view of a combination of certain prior art references; (7) claims 1, 2 and 7 of the '728 patent are not invalid under 35 U.S.C. 103(a); and (8) claims 1, 2, 13 and 14 of the '356 patent are not invalid under 35 U.S.C. 103(a). Finally, with respect to the issue of the technical prong of the domestic industry requirement, the Remand ID found that Amkor satisfied the technical prong for both the '277 patent and the '728 patent, but did not meet the technical prong for the '356 patent.

Completion of this investigation was delayed because of difficulty in obtaining from third-party ASAT Inc. certain documents relating to ASAT's invention (''ASAT invention'') that Carsem asserted were critical for its affirmative invalidity defenses. The Commission's efforts to enforce a February 11, 2004, subpoena *duces tecum* and *ad testificandum* directed to ASAT resulted in a July 1, 2008, order and opinion of the U.S. District Court for the District of Columbia granting the Commission's second enforcement petition. On July 1, 2009, after ASAT had complied with the subpoena, the Commission issued a notice and order remanding this investigation to the ALJ so that the ASAT documents could be considered. On October 30, 2009, the ALJ issued a supplemental ID (''First Supplemental ID''), finding that the ASAT invention was not prior art.

On February 18, 2010, the Commission reversed the ALJ's finding that ASAT invention is not prior art to Amkor's asserted patents, and remanded the investigation to the ALJ to make necessary findings with respect to the issue of validity of the asserted patents in light of the Commission's determination that the ASAT invention is prior art. On March 22, 2010, the ALJ issued a Supplemental ID (''Second Supplemental ID'') in which he found that the '277 and '728 patents were invalid in view of ASAT prior art. On July 20, 2010, the Commission determined not to review the ALJ's Remand ID and Second Supplemental ID. As a result, the Commission determined that there is no violation of section 337 in this investigation. Amkor appealed the Commission's decision to the Court of Appeals for the Federal Circuit.

On August 22, 2012, the Federal Circuit ruled on Amkor's appeal reversing the Commission's determination that the '277 Patent is invalid under 35 U.S.C. 102(g)(2), declining to affirm the Commission's invalidity determination on the alternative grounds raised by Carsem, and remanding for further proceedings consistent with its opinion. *Amkor Technology Inc.* v. *Int'l Trade Comm'n,* 692 F.3d 1250 (Fed. Cir. 2012) (''*Amkor Technology*''). On October 5, 2012,

Carsem filed a combined petition for panel rehearing and for rehearing *en banc.* The Court denied Carsem's petition on December 7, 2012, and issued its mandate on December 19, 2012, returning jurisdiction to the Commission.

On January 14, 2013, the Commission issued an Order (''Commission's Order'') requesting the parties to the investigation to submit initial comments regarding what further proceedings must be conducted to comply with the Federal Circuit's August 22, 2012, judgment in *Amkor Technology.* The parties filed their initial and responsive submissions.

Having examined the record in this investigation, including the parties' submissions filed in response to the Commission's Order, the Commission has determined to request briefing from the parties on only the following issues, with reference to the applicable law and the evidentiary record:

Whether there is any intervening legal precedent since the issuance of the 2004 Final ID that precludes or warrants the ALJ's determination that Amkor satisfied the economic prong of the domestic industry requirement under section 337(a)(3)(A), and did not satisfy the economic prong under section 337(a)(3)(B). *See* 19 U.S.C. 1337(a)(3)(A) and (B).

In connection with the final disposition of this investigation, the Commission may (1) issue an order that could result in the exclusion of the subject articles from entry into the United States, and/or (2) issue one or more cease and desist orders that could result in the respondents being required to cease and desist from engaging in unfair acts in the importation and sale of such articles. Accordingly, the Commission is interested in receiving written submissions that address the form of remedy, if any, that should be ordered. If a party seeks exclusion of an article from entry into the United States for purposes other than entry for consumption, the party should so indicate and provide information establishing that activities involving other types of entry either are adversely affecting it or are likely to do so. For background, *see Certain Devices for Connecting Computers via Telephone Lines,* Inv. No. 337–TA–360, USITC Pub. No. 2843 Comm'n Op. (Dec. 1994).

If the Commission contemplates some form of remedy, it must consider the effects of that remedy upon the public interest. The factors the Commission will consider include the effect that an exclusion order and/or cease and desist orders would have on (1) the public health and welfare, (2) competitive conditions in the U.S. economy, (3) U.S. production of articles that are like or directly competitive with those that are subject to investigation, and (4) U.S. consumers. The Commission is therefore interested in receiving written submissions that address the aforementioned public interest factors in the context of this investigation. The Commission also requests briefing as to the following question:

Whether for purposes of our public interest analysis, there are products comparable to the subject articles that are noninfringing products in the U.S. market.

If the Commission orders some form of remedy, the President has 60 days to approve or disapprove the Commission's action. During this period, the subject articles would be entitled to enter the United States under bond, in an amount determined by the Commission and prescribed by the Secretary of the Treasury. The Commission is therefore interested in receiving submissions concerning the amount of the bond that should be imposed.

Written Submissions: The parties to the investigation are requested to file written submissions on the issues specified in this Notice. The submissions should be concise and thoroughly referenced to the record in this investigation. Parties to the investigation, interested government agencies, and any other interested persons are encouraged to file written submissions on the issues of remedy, the public interest, and bonding. Such submissions should address the recommended determination by the ALJ on remedy and bonding issued on November 18, 2004. Complainant and the Commission investigative attorney are also requested to submit proposed remedial orders for the Commission's consideration. Complainant is further requested to provide the expiration dates of the asserted patents at issue in this investigation and state the HTSUS number under which the accused articles are imported. The written submissions and proposed remedial orders must be filed no later than the close of business on Wednesday, June 19, 2013. Reply submissions must be filed no later than the close of business on Wednesday, June 26, 2013. No further submissions on these issues will be permitted unless otherwise ordered by the Commission.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above and submit 8 true paper copies to the Office of the Secretary by noon the next day pursuant to section 210.4(f) of the Commission's Rules of Practice and Procedure (19 CFR 210.4(f)). Submissions should refer to the investigation number (''Inv. No. 337–TA–501'') in a prominent place on the cover page and/or the first page. (*See* Handbook for Electronic Filing Procedures, *http://www.usitc.gov/secretary/fed_reg_notices/rules/handbook_on_electronic_filing.pdf*). Persons with questions regarding filing should contact the Secretary (202–205–2000).

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. A redacted non-confidential version of the document must also be filed simultaneously with the any confidential filing. All non-confidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in sections 210.42–.46 of the Commission's Rules of Practice and Procedure (19 CFR 210.42–.46).

Issued: June 5, 2013.

By order of the Commission.

Lisa R. Barton,

Acting Secretary to the Commission.

[FR Doc. 2013–13747 Filed 6–10–13; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Importer of Controlled Substances; Notice of Registration; Noramco, Inc.

By Notice dated March 12, 2013, and published in the **Federal Register** on March 20, 2013, 78 FR 17230, Noramco, Inc., 1440 Olympic Drive, Athens, Georgia 30601, made application by renewal to the Drug Enforcement Administration (DEA) to be registered as an importer of the basic classes of controlled substances:

Drug	Schedule
Phenylacetone (8501)	II
Thebaine (9333)	II
Poppy Straw Concentrate (9670)	II
Tapentadol (9780)	II

The company plans to import Thebaine (9333) analytical reference standards for distribution to its customers. The company plans to import an intermediate form of Tapentadol (9780) to bulk manufacture Tapentadol for distribution to its customers. The company plans to import Phenylacetone (8501) and Poppy Straw Concentrate (9670) to manufacture other controlled substances.

The company has withdrawn its request to import the drug code Noroxymorphone (9668).

Comments and requests for hearings on applications to import narcotic raw material are not appropriate. 72 FR 3417 (2007).

DEA has considered the factors in 21 U.S.C. 823(a) and 952(a), and determined that the registration of Noramco, Inc., to import the basic classes of controlled substances is consistent with the public interest, and with United States obligations under international treaties, conventions, or protocols in effect on May 1, 1971, at this time. DEA has investigated Noramco, Inc., to ensure that the company's registration is consistent with the public interest. The investigation has included inspection and testing of the company's physical security systems, verification of the company's compliance with state and local laws, and a review of the company's background and history. Therefore, pursuant to 21 U.S.C. 952(a) and 958(a), and in accordance with 21 CFR § 1301.34, the above named company is granted registration as an importer of the basic classes of controlled substances listed.

Dated: May 24, 2013.

Joseph T. Rannazzisi,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 2013–13869 Filed 6–10–13; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Evaluation of the Army Unemployment Compensation for Ex-Servicemembers (UCX) Claimants Initiative

ACTION: Notice.

SUMMARY: The Department of Labor (DOL), as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95). This program helps to ensure that required data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed.

A copy of the proposed ICR can be obtained by contacting the office listed below in the addressee section of this notice.

DATES: Written comments must be submitted to the office listed in the addressee section below on or before August 12, 2013.

ADDRESSES: You may submit comments by either one of the following methods: *Email: javar.janet.o@dol.gov; Mail or Courier:* Janet Javar, Chief Evaluation Office, U.S. Department of Labor, Room S–2218, 200 Constitution Avenue NW., Washington, DC 20210. *Instructions:* Please submit one copy of your comments by only one method. All submissions received must include the agency name and OMB Control Number identified above for this information collection. Because we continue to experience delays in receiving mail in the Washington, DC area, commenters are strongly encouraged to transmit their comments electronically via email or to submit them by mail early. Comments, including any personal information provided, become a matter of public record. They will also be summarized and/or included in the request for OMB approval of the information collection request.

FOR FURTHER INFORMATION CONTACT: Janet Javar by telephone at 202–693–5954 (this is not a toll-free number) or by email at *javar.janet.o@dol.gov.*

SUPPLEMENTARY INFORMATION:

I. *Background:* The Army Unemployment Compensation for Ex-Service Members (UCX) Claimants' Initiative, funded by the U.S. Department of Labor, Employment and Training Administration (ETA), provides grants to four states to improve strategies for providing reemployment services to Army UCX claimants and for leveraging assets and sharing data across partners. The major goals of the initiative are to create a strong collaborative partnership among the Unemployment Insurance (UI) system, the public workforce system, and the three components of the Army (active, National Guard, and Reserve) that will support the rapid reemployment of UCX claimants; improve the sharing of UCX data that will lead to improved outreach and better understanding of UCX claimants and their service delivery needs; and increase outreach, exposure to jobs, and reemployment strategies for UCX claimants that fully leverage existing resources with new and innovative service delivery strategies. The period of performance for the grants is from July 1, 2012, to June 30, 2014.

The purpose of the evaluation, funded by the Chief Evaluation Office, is to determine the extent to which the initiative's goals were achieved by each of the four grantee states. The evaluation will examine the services received by UCX claimants and how claimants' employment outcomes changed over the course of the grant period. Policymakers, program administrators, and service providers will gain information about the relative effectiveness of various strategies developed by states, ease of implementation, and suggestions for replication.

This package requests clearance for semi-structured discussions that will take place during a single round of two-day visits to each of the sites in the winter of 2013–2014. The site visits will involve an array of individuals that varies by state based on the projects that each state has decided to implement. Conversations will take place with grantee leaders, staff of an American Job Center, and representatives of the UI system in each state. Other discussants will include a suitable combination of representatives of the Army and other participants in the initiative. The site visit will facilitate an assessment of the progress of these efforts, information gathering, and potential for the delivery of additional in-person technical assistance.

II. *Desired Focus of Comments:* Currently, the Department of Labor is soliciting comments concerning the above data collection for Evaluation of the Army UCX Claimants Initiative. Comments are requested to:

* Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

* Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

* Enhance the quality, utility, and clarity of the information to be collected; and

* Minimize the burden of the information collection on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

III. *Current Actions:* At this time, the Department of Labor is requesting clearance for site visit data collection for the Evaluation of the Army Unemployment Compensation for Ex-Servicemembers (UCX) Claimants Initiative.

Type of review: New information collection request.

OMB Control Number: 1205–0NEW.

Affected Public: Staff associated with implementing the Army UCX Claimants Initiative in four states.

Frequency: Once.

Total Responses: 40.

Average Time per Response: 45 minutes.

Estimated Total Burden Hours: 30 hours.

Total Burden Cost: $0.

Comments submitted in response to this request will be summarized and/or included in the request for Office of Management and Budget approval; they will also become a matter of public record.

Signed at Washington, DC, this day of June 5, 2013.

James H. Moore, Jr.,

Deputy Assistant Secretary for Policy, U.S. Department of Labor.

[FR Doc. 2013–13749 Filed 6–10–13; 8:45 am]

BILLING CODE 4510–23–P

DEPARTMENT OF LABOR

Office of the Secretary

All Items Consumer Price Index for All Urban Consumers; United States City Average

Pursuant to Section 33105(c) of Title 49, United States Code, and the delegation of the Secretary of Transportation's responsibilities under that Act to the Administrator of the Federal Highway Administration (49 CFR 501.2 (a)(9)), the Secretary of Labor has certified to the Administrator and published this notice in the **Federal Register** that the United States City Average All Items Consumer Price Index for All Urban Consumers (1967=100) increased 121.1 percent from its 1984 annual average of 311.1 to its 2012 annual average of 687.761.

Signed at Washington, DC, on the 21 day of May 2013.

Seth D. Harris,

Acting Secretary of Labor.

[FR Doc. 2013–13748 Filed 6–10–13; 8:45 am]

BILLING CODE 4510–24–P

DEPARTMENT OF LABOR

Office of the Secretary

All Items Consumer Price Index for All Urban Consumers United States City Average

Pursuant to Section 112 of the 1976 amendments to the Federal Election Campaign Act (Pub. L. 94–283, 2 U.S.C. 441a (c)(1)–(2), the Secretary of Labor has certified to the Chairman of the Federal Election Commission and publishes this notice in the **Federal Register** that the United States City Average All Items Consumer Price Index for All Urban Consumers (1967=100) increased 365.6 percent from its 1974 annual average of 147.7 to its 2012 annual average of 687.761 and that it increased 29.7 percent from its 2001 annual average of 530.4 to its 2012 annual average of 687.761. Using 1974 as a base (1974=100), I certify that the United States City Average All Items Consumer Price Index for All Urban Consumers thus increased 365.6 percent from its 1974 annual average of 100 to its 2012 annual average of 465.647. Using 2001 as a base (2001=100), I certify that the United States City Average All Items Consumer Price Index for All Urban Consumers increased 29.7 percent from its 2001 annual average of 100 to its 2012 annual average of 129.668. Using 2006 as a base (2006=100), I certify that the CPI increased 13.9 percent from its 2006 annual average of 100 to its 2012 annual average of 113.887.

Signed at Washington, DC, on 21 day of May 2013.

Seth D. Harris,

Acting Secretary of Labor.

[FR Doc. 2013–13750 Filed 6–10–13; 8:45 am]

BILLING CODE P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

Proposed Collection; Comment Request; Program to Prevent Smoking in Hazardous Areas (Pertains to Underground Coal Mines)

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: 60-Day Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and continuing collections of information in accordance with the Paperwork Reduction Act of 1995. This program helps to assure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed.

DATES: All comments must be postmarked or received by midnight Eastern Standard Time on August 12, 2013.

ADDRESSES: Comments concerning the information collection requirements of this notice must be clearly identified with ''OMB 1219–0041'' and sent to the Mine Safety and Health Administration (MSHA). Comments may be sent by any of the methods listed below.

• *Federal E-Rulemaking Portal: http://www.regulations.gov.* Follow the on-line instructions for submitting comments for docket number [MSHA–2013–0011].

• *Regular Mail or Hand Delivery:* MSHA, Office of Standards, Regulations, and Variances, 1100 Wilson Boulevard, 21st floor, Room 2350, Arlington, VA 22209–3939.

FOR FURTHER INFORMATION CONTACT: Sheila McConnell, Deputy Director, Office of Standards, Regulations, and Variances, MSHA, at *McConnell.Sheila.A@dol.gov* (email); 202–693–9440 (voice); or 202–693–9441 (facsimile).

SUPPLEMENTARY INFORMATION:

I. Background

Section 317(c) of the Federal Mine Safety and Health Act of 1977 (Mine Act), 30 U.S.C. 877(c), and 30 CFR 75.1702 prohibits persons from smoking or carrying smoking materials underground or in places where there is a fire or explosion hazard. Under the Mine Act, 30 U.S.C. 877(c) and 75.1702, coal mine operators are required to develop programs to prevent persons from carrying smoking materials, matches, or lighters underground and to prevent smoking in hazardous areas, such as in or around oil houses, explosives magazines or other areas where such practice may cause a fire or explosion.

Section 75.1702–1 requires that the mine operator submit the program

required under § 75.1702 to MSHA for approval. Section 103(h) of the Mine Act, 30 U.S.C. 813, authorizes MSHA to collect information necessary to carry out its duty in protecting the safety and health of miners. These information collection requirements help to ensure that a fire or explosion hazard does not occur.

II. Desired Focus of Comments

The Mine Safety and Health Administration (MSHA) is soliciting comments concerning the proposed extension of the information collection related to the Program to Prevent Smoking in Hazardous Areas (Pertains to Underground Coal Mines). MSHA is particularly interested in comments that:

- Evaluate whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information has practical utility;
- Evaluate the accuracy of the MSHA's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;
- Suggest methods to enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

OMB clearance requests are available on MSHA's Web site at *http://www.msha.gov* under ''Federal Register Documents'' on the right side of the screen by selecting ''New and Existing Information Collections and Supporting Statements''. The document will be available on MSHA's Web site for 60 days after the publication date of this notice, and on regulations.gov. Comments submitted in writing or in electronic form will be made available for public inspection on regulations.gov. Because comments will not be edited to remove any identifying information, MSHA cautions the commenter against including any information in the submission that should not be publicly disclosed.

The public also may examine publicly available documents, including the public comment version of the supporting statement, at MSHA, Office of Standards, Regulations, and Variances, 1100 Wilson Boulevard, Room 2350, Arlington, VA 22209–3939.

Questions about the information collection requirements may be directed to the person listed in the **FOR FURTHER INFORMATION** section of this notice.

III. Current Actions

The information obtained from applicants will be used to determine compliance with 30 CFR Part 75.

MSHA has updated the number of respondents and responses, as well as the total burden hours and burden costs supporting this information collection request.

MSHA does not intend to publish the results from this information collection and is not seeking approval to either display or not display the expiration date for the OMB approval of this information collection.

There are no certification exceptions identified with this information collection and the collection of this information does not employ statistical methods.

Type of Review: Extension of a currently approved information collection.

Agency: Mine Safety and Health Administration.

Title: Program to Prevent Smoking in Hazardous Areas (Pertains to Underground Coal Mines).

OMB Number: 1219–0041.

Affected Public: Business or other for-profit.

Cite/Reference/Form/etc: 30 CFR 75.1702 and 75.1702–1.

Total Number of Respondents: 97.

Frequency: Various.

Total Number of Responses: 97.

Total Burden Hours: 49 hours.

Total Annual Respondent or Recordkeeper Cost: $0.

Comments submitted in response to this notice will be summarized and included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Authority: 44 U.S.C. 3506(c)(2)(A).

Dated: June 6, 2013.

George F. Triebsch,

Certifying Officer.

[FR Doc. 2013–13793 Filed 6–10–13; 8:45 am]

BILLING CODE 4510–43–P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Advisory Committee on the Records of Congress; Meeting

AGENCY: National Archives and Records Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, the National Archives and Records Administration (NARA) announces a meeting of the Advisory Committee on the Records of Congress. The committee advises NARA on the full range of programs, policies, and plans for the Center for Legislative Archives in the Office of Legislative Archives, Presidential Libraries, and Museum Services (LPM).

This meeting will take place at the Capitol Visitor Center and also via AT&T Connect web conference.

DATES: June 24, 2013 from 10:00 a.m. to 11:30 a.m.

ADDRESSES: Capitol Visitor Center, Congressional Room North or AT&T Connect Web.

FOR FURTHER INFORMATION CONTACT: Center for Legislative Archives (202) 357–5350.

Sharon Fitzpatrick for CVC location, *sharon.fitzpatrick@nara.gov*

Brandon Hirsch for AT&T Connect, *brandon.hirsch@nara.gov*

SUPPLEMENTARY INFORMATION:

Agenda

1. Chair's Opening Remarks—Clerk of the U.S. House of Representatives
2. Recognition of Co-chair—Secretary of the U.S. Senate
3. Recognition of the Archivist of the United States
4. Approval of the minutes of the last meeting
5. Senate Archivist's report—Karen Paul
6. House Archivist's report—Robin Reeder
7. Update on implementation of integrated accessioning and description system—House, Senate, Center
8. Issues of interest raised at the ACSC annual meeting
9. Center Update—Richard Hunt
10. Other current issues and new business

The meeting is open to the public via conference room and AT&T Connect.

Dated: June 5, 2013.

Patrice Murray,

Acting Committee Management Officer.

[FR Doc. 2013–13783 Filed 6–10–13; 8:45 am]

BILLING CODE 7515–01–P

NATIONAL MEDIATION BOARD

Submission for OMB Review; Comment Request

AGENCY: National Mediation Board (NMB).

SUMMARY: The Director, Office of Administration, invites comments on

the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments within 30 days from the date of this publication.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Director, Office of Administration, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection contains the following: (1) Type of review requested, e.g. new, revision extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Record keeping burden. OMB invites public comment.

Currently, the National Mediation Board is soliciting comments concerning the proposed extension of the Application for Mediation Services and is interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the agency; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the agency enhance the quality, utility, and clarity of the information to be collected; and (5) how might the agency minimize the burden of this collection on the respondents, including through the use of information technology.

Dated: June 5, 2013.

June D.W. King,

Director, Office of Administration, National Mediation Board.

Application for Mediation Services

Type of Review: Extension.

Title: Application for Mediation Services, OMB Number: 3140–0002.

Frequency: On occasion.

Affected Public: Carrier and Union Officials, and employees of railroads and airlines.

Reporting and Recordkeeping Hour Burden:

Responses: 50 annually.

Burden Hours: 12.50.

Abstract: Section 5, First of the Railway Labor Act, 45 U.S.C., 155, First, provides that both, or either, of the parties to the labor-management dispute may invoke the mediation services of the National Mediation Board. Congress has determined that it is in the nation's best interest to provide for governmental mediation as the primary dispute resolution mechanism to resolve labor-management disputes in the railroad and airline industries. The Railway Labor Act is silent as to how the invocation of mediation is to be accomplished and the Board has not promulgated regulations requiring any specific vehicle. Nonetheless, 29 CFR1203.1 provides that applications for mediation services be made on printed forms which may be secured from the National Mediation Board. This section of the regulations provides that applications should be submitted in duplicate, show the exact nature of the dispute, the number of employees involved, name of the carrier and name of the labor organization, date of agreement between the parties, date and copy of notice served by the invoking party to the other and date of final conference between the parties. The application should be signed by the highest officer of the carrier who has been designated to handle disputes under the Railway Labor Act or by the chief executive of the labor organization, whichever party files the application.

The extension of this form is necessary considering the information provided by the parties is used by the Board to structure a mediation process that will be productive to the parties and result in a settlement without resort to strike or lockout. The Board has been very successful in resolving labor disputes in the railroad and airline industries. Historically, some 97 percent of all NMB mediation cases have been successfully resolved without interruptions to public service. Since 1980, only slightly more than 1 percent of cases have involved a disruption of service. This success ratio would possibly be reduced if the Board was unable to collect the brief information that it does in the application for mediation services.

Requests for copies of the proposed information collection request may be accessed from *www.nmb.gov* or should be addressed to Denise Murdock, NMB, 1301 K Street NW., Suite 250 E, Washington, DC 20005 or addressed to the email address *murdock@nmb.gov* or faxed to 202–692–5081. Please specify the complete title of the information collection when making your request.

Comments regarding burden and/or the collection activity requirements should be directed to June D.W. King at 202–692–5010 or via internet address *king@nmb.gov* Individuals who use a telecommunications device for the deaf (TDD/TDY) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

[FR Doc. 2013–13729 Filed 6–10–13; 8:45 am]

BILLING CODE 7550–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2013–0125]

Effectiveness of the Reactor Oversight Process Baseline Inspection Program

AGENCY: Nuclear Regulatory Commission.

ACTION: Public meeting and request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) plans to hold a public meeting to discuss the effectiveness of the reactor oversight process (ROP) baseline inspection program with members of the public, licensees, and interest groups. The NRC is also seeking public comment about the effectiveness of the ROP baseline inspection program. Responses received at the meeting and public comments submitted to the NRC will provide important information for ongoing program improvement.

DATES: The public meeting will be held on July 17, 2013. See Section III, Public Meeting, of this document for more information on the meeting. Comments on the issues and questions presented in the **SUPPLEMENTARY INFORMATION** section of this document should be submitted by July 26, 2013.

ADDRESSES: You may submit comments by any of the following methods (unless this document describes a different method for submitting comments on a specific subject):

- Federal Rulemaking Web site: Go to *http://www.regulations.gov* and search for Docket ID NRC–2013–0125. Address questions about NRC dockets to Carol Gallagher; telephone: 301–492–3668; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual(s) listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- Mail comments to: Cindy Bladey, Chief, Rules, Announcements, and

Directives Branch, Office of Administration, Mail Stop: TWB–05–B01M, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

For additional direction on accessing information and submitting comments, see ''Accessing Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Marsha Gamberoni, Office of Nuclear Reactor Regulations, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–0890; *Marsha.Gamberoni@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Accessing Information and Submitting Comments

A. Accessing Information

Please refer to Docket ID NRC–2013–0125 when contacting the NRC about the availability of information regarding this document. You may access information related to this document, which the NRC possesses and is publicly available, by any of the following methods:

- Federal Rulemaking Web site: Go to *http://www.regulations.gov* and search for Docket ID NRC–2013–0125.
- NRC's Agencywide Documents Access and Management System (ADAMS): You may access publicly available documents online in the NRC Library at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''ADAMS Public Documents'' and then select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced in this document (if that document is available in ADAMS) is provided the first time that a document is referenced.
- NRC's PDR: You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.
- Information regarding the ROP and licensee performance can be accessed at *http://www.nrc.gov/NRR/OVERSIGHT/ASSESS/.html.*

B. Submitting Comments

Please include Docket ID NRC–2013–0125 in the subject line of your comment submission, in order to ensure that the NRC is able to make your comment submission available to the public in this docket.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in you comment submission. The NRC will post all comment submissions at *http://www.regulations.gov* as well as enter the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment submissions into ADAMS.

II. Program Overview

The mission of the NRC is to ensure adequate protection of public health and safety, promote the common defense and security, and protect the environment. The NRC regulates commercial nuclear power plants through a combination of regulatory requirements; licensing; safety oversight, including inspection, assessment of performance and enforcement; operational experience evaluation; and regulatory support activities. The NRC periodically reviews each of these processes and is in the process of reviewing the baseline inspection program and the associated inspection procedures. Inspection procedures are statements of requirements or guidance for inspection activities that focus on safety. Baseline inspections are performed annually at all plants. *Inspection Manual Chapter 2515 Appendix A* provides background on the baseline inspection program including the objectives and philosophy and contains a list of all inspection procedures.

The agency's goal for the current review is to enhance the baseline inspection program to incorporate the needed inspection areas for the current environment, eliminate redundant or no longer necessary inspection areas, maximize efficient and effective use of agency resources, and incorporate flexibility where appropriate. This process should provide a validation of the basic philosophy and key principles of the baseline inspection program with allowance to make changes where it may be necessary.

III. Public Meeting

The public meeting will be held in Rockville, Maryland, at 11555 Rockville Pike, in the NRC Commissioners' Hearing Room on July 17, 2013. The agenda for the public meeting will be noticed no fewer than 10 days prior to the meeting on the NRC's Public Meeting Schedule Web site at *http://www.nrc.gov/public-involve/public-meetings/index.cfm.* Any meeting updates or changes will be made available on this Web site.

At the meeting, the NRC will discuss inspection areas such as engineering, maintenance, operations, and problem identification and resolution. The NRC has prepared the following questions in advance of the meeting to aid in a focused discussion on specific topics. In addition, the NRC specifically requests public comment addressing the following topics:

(1) What issues/programs/components, if any, should be covered by the ROP baseline inspection program, but are not? What areas, if any, are covered by the ROP baseline inspection program that should not be?

(2) How can the baseline inspection program be more efficient and/or effective?

(3) What redundancies exist in the baseline inspection program? For example, do the current baseline inspection procedures have the correct breadth to ensure we are not inspecting the same things?

(4) What ways are there to increase the NRC's focus on the most significant performance issues at a plant? Are there areas of licensee plant operations and performance which warrant increased or new NRC focus? Are there areas where the NRC's focus should be decreased?

(5) How can we improve the existing baseline inspection procedures to result in findings that have a clear tie to nuclear safety, are indicative of current performance, and provide the most insight?

(6) How can we better integrate operating experience into the baseline inspection program?

(7) What changes, if any, can be made to the existing baseline inspection program to ensure we are sufficiently evaluating age related degradation or failures of passive or active systems, structures, or components?

(8) What changes, if any, should be made to the baseline inspection program to ensure it is adequate for the current environment (e.g. external event uncertainties, plants entering extended operation, effects of power uprates, new corporate/financial structures, etc)?

(9) What changes, if any, should be made to the frequency of team inspections?

Dated at Rockville, Maryland, this 4th day of June, 2013.

For the Nuclear Regulatory Commission.

Timothy J. Kobetz,

Acting Director, Division of Inspection and Regional Support, Office of Nuclear Reactor Regulations.

[FR Doc. 2013–13794 Filed 6–10–13; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2013–0122]

Biweekly Notice; Applications and Amendments to Facility Operating Licenses and Combined Licenses Involving No Significant Hazards Considerations

Background

Pursuant to Section 189a. (2) of the Atomic Energy Act of 1954, as amended (the Act), the U.S. Nuclear Regulatory Commission (NRC) is publishing this regular biweekly notice. The Act requires the Commission publish notice of any amendments issued, or proposed to be issued and grants the Commission the authority to issue and make immediately effective any amendment to an operating license or combined license, as applicable, upon a determination by the Commission that such amendment involves no significant hazards consideration, notwithstanding the pendency before the Commission of a request for a hearing from any person.

This biweekly notice includes all notices of amendments issued, or proposed to be issued from May 16, 2013 to May 28, 2013. The last biweekly notice was published on May 28, 2013 (78 FR 31978).

ADDRESSES: You may submit comment by any of the following methods (unless this document describes a different method for submitting comments on a specific subject):

• *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2013–0122. Address questions about NRC dockets to Carol Gallagher; telephone: 301–492–3668; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual(s) listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

• *Mail comments to:* Cindy Bladey, Chief, Rules, Announcements, and Directives Branch (RADB), Office of Administration, Mail Stop: TWB–05–B01M, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

For additional direction on accessing information and submitting comments, see ''Accessing Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

SUPPLEMENTARY INFORMATION:

I. Accessing Information and Submitting Comments

A. Accessing Information

Please refer to Docket ID NRC–2013–0122 when contacting the NRC about the availability of information regarding this document. You may access information related to this document, which the NRC possesses and is publicly-available, by the following methods:

• *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2013–0122.

• *NRC's Agencywide Documents Access and Management System (ADAMS):* You may access publicly-available documents online in the NRC Library at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''ADAMS Public Documents'' and then select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* Documents may be viewed in ADAMS by performing a search on the document date and docket number.

• *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

B. Submitting Comments

Please include Docket ID NRC–2013–0122 in the subject line of your comment submission, in order to ensure that the NRC is able to make your comment submission available to the public in this docket.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC posts all comment submissions at *http://www.regulations.gov* as well as entering the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment submissions into ADAMS.

Notice of Consideration of Issuance of Amendments to Facility Operating Licenses and Combined Licenses, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The Commission has made a proposed determination that the following amendment requests involve no significant hazards consideration. Under the Commission's regulations in Section 50.92 of Title 10 of the *Code of Federal Regulations* (10 CFR), this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. The basis for this proposed determination for each amendment request is shown below.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of 60 days after the date of publication of this notice. The Commission may issue the license amendment before expiration of the 60-day period provided that its final determination is that the amendment involves no significant hazards consideration. In addition, the Commission may issue the amendment prior to the expiration of the 30-day comment period should circumstances change during the 30-day comment period such that failure to act in a timely way would result, for example in derating or shutdown of the facility. Should the Commission take action prior to the expiration of either the comment period or the notice period, it will publish in the **Federal Register** a notice of issuance. Should the Commission make a final No Significant Hazards Consideration Determination, any hearing will take place after issuance. The Commission expects that

the need to take this action will occur very infrequently.

Within 60 days after the date of publication of this notice, any person(s) whose interest may be affected by this action may file a request for a hearing and a petition to intervene with respect to issuance of the amendment to the subject facility operating license or combined license. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's ''Agency Rules of Practice and Procedure'' in 10 CFR Part 2. Interested person(s) should consult a current copy of 10 CFR 2.309, which is available at the NRC's PDR, located at One White Flint North, Room O1–F21, 11555 Rockville Pike (first floor), Rockville, Maryland 20852. The NRC regulations are accessible electronically from the NRC Library on the NRC's Web site at *http://www.nrc.gov/reading-rm/doc-collections/cfr/.* If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or a presiding officer designated by the Commission or by the Chief Administrative Judge of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the Chief Administrative Judge of the Atomic Safety and Licensing Board will issue a notice of a hearing or an appropriate order.

As required by 10 CFR 2.309, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following general requirements: (1) The name, address, and telephone number of the requestor or petitioner; (2) the nature of the requestor's/petitioner's right under the Act to be made a party to the proceeding; (3) the nature and extent of the requestor's/petitioner's property, financial, or other interest in the proceeding; and (4) the possible effect of any decision or order which may be entered in the proceeding on the requestor's/petitioner's interest. The petition must also identify the specific contentions which the requestor/petitioner seeks to have litigated at the proceeding.

Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the requestor/petitioner shall provide a brief explanation of the bases for the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the requestor/petitioner intends to rely in proving the contention at the hearing. The requestor/petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the requestor/petitioner intends to rely to establish those facts or expert opinion. The petition must include sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the requestor/petitioner to relief. A requestor/petitioner who fails to satisfy these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held. If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment. If the final determination is that the amendment request involves a significant hazards consideration, then any hearing held would take place before the issuance of any amendment.

All documents filed in NRC adjudicatory proceedings, including a request for hearing, a petition for leave to intervene, any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to intervene, and documents filed by interested governmental entities participating under 10 CFR 2.315(c), must be filed in accordance with the NRC E-Filing rule (72 FR 49139; August 28, 2007). The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases to mail copies on electronic storage media. Participants may not submit paper copies of their filings unless they seek an exemption in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least 10 days prior to the filing deadline, the participant should contact the Office of the Secretary by email at *hearing.docket@nrc.gov,* or by telephone at 301–415–1677, to request (1) a digital identification (ID) certificate, which allows the participant (or its counsel or representative) to digitally sign documents and access the E-Submittal server for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a request or petition for hearing (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the hearing in this proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals/apply-certificates.html.* System requirements for accessing the E-Submittal server are detailed in the NRC's ''Guidance for Electronic Submission,'' which is available on the agency's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* Participants may attempt to use other software not listed on the Web site, but should note that the NRC's E-Filing system does not support unlisted software, and the NRC Meta System Help Desk will not be able to offer assistance in using unlisted software.

If a participant is electronically submitting a document to the NRC in accordance with the E-Filing rule, the participant must file the document using the NRC's online, Web-based submission form. In order to serve documents through the Electronic Information Exchange System, users will be required to install a Web browser plug-in from the NRC's Web site. Further information on the Web-based submission form, including the installation of the Web browser plug-in, is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.*

Once a participant has obtained a digital ID certificate and a docket has been created, the participant can then submit a request for hearing or petition for leave to intervene. Submissions should be in Portable Document Format (PDF) in accordance with the NRC guidance available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* A filing is

considered complete at the time the documents are submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an email notice confirming receipt of the document. The E-Filing system also distributes an email notice that provides access to the document to the NRC's Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the documents on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before a hearing request/petition to intervene is filed so that they can obtain access to the document via the E-Filing system.

A person filing electronically using the agency's adjudicatory E-Filing system may seek assistance by contacting the NRC Meta System Help Desk through the ''Contact Us'' link located on the NRC's Web site at *http://www.nrc.gov/site-help/e-submittals.html,* by email at *MSHD.Resource@nrc.gov,* or by a toll-free call at 1–866 672–7640. The NRC Meta System Help Desk is available between 8 a.m. and 8 p.m., Eastern Time, Monday through Friday, excluding government holidays.

Participants who believe that they have a good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) First class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, Sixteenth Floor, One White Flint North, 11555 Rockville Pike, Rockville, Maryland, 20852, Attention: Rulemaking and Adjudications Staff. Participants filing a document in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service. A presiding officer, having granted an exemption request from using E-Filing, may require a participant or party to use E-Filing if the presiding officer subsequently determines that the reason for granting the exemption from use of E-Filing no longer exists.

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket which is available to the public at *http://ehd1.nrc.gov/ehd/,* unless excluded pursuant to an order of the Commission, or the presiding officer. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or home phone numbers in their filings, unless an NRC regulation or other law requires submission of such information. However, a request to intervene will require including information on local residence in order to demonstrate a proximity assertion of interest in the proceeding. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submission.

Petitions for leave to intervene must be filed no later than 60 days from the date of publication of this notice. Requests for hearing, petitions for leave to intervene, and motions for leave to file new or amended contentions that are filed after the 60-day deadline will not be entertained absent a determination by the presiding officer that the filing demonstrates good cause by satisfying the following three factors in 10 CFR 2.309(c)(1): (i) The information upon which the filing is based was not previously available; (ii) the information upon which the filing is based is materially different from information previously available; and (iii) the filing has been submitted in a timely fashion based on the availability of the subsequent information.

For further details with respect to this license amendment application, see the application for amendment which is available for public inspection at the NRC's PDR, located at One White Flint North, Room O1–F21, 11555 Rockville Pike (first floor), Rockville, Maryland 20852. Publicly available documents created or received at the NRC are accessible electronically through ADAMS in the NRC Library at *http://www.nrc.gov/reading-rm/adams.html.* Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS, should contact the NRC's PDR Reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.*

Dominion Nuclear Connecticut, Inc., Docket No. 50–336, Millstone Power Station, Unit 2 (MPS–2), New London County, Connecticut

Date of amendment request: December 17, 2012, as supplemented by letter dated February 25, 2013.

Description of amendment request: The amendments would revise Technical Specification (TS) 1.39, ''Storage Pattern,'' TS 3.9.18, ''Spent Fuel Pool—Storage,'' TS 3.9.19, ''Spent Fuel Pool—Storage Patterns,'' TS 5.3.1, ''Fuel Assemblies,'' TS 5.6.1, ''Criticality,'' and TS 5.6.3, ''Capacity'' for MPS–2, as a result of a new criticality safety analysis for fuel assembly storage in the MPS–2 fuel storage racks.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed change will not affect the physical plant, including the spent fuel pool, spent fuel racks, or fuel handling equipment. While there will be more regions to consider in the spent fuel pool, the process of choosing fuel assembly locations will not change other than the regionalization and burnup curves will be revised. Also, the process of handling fuel assemblies will not change. The MPS–2 program for choosing fuel assembly storage locations, and for fuel handling and assuring that the fuel assemblies are placed into correct locations will remain in place. The success of this program in preventing misloading and dropping of a fuel assembly has been historically demonstrated. Thus, the probability of a fuel assembly misloading or a fuel assembly drop will not significantly increase with the proposed change.

Multiple postulated accidents were reviewed for the proposed change which included several fuel misloading scenarios and a fuel assembly drop.

The criticality analysis concluded that the limiting accident is a misloaded fresh fuel assembly. The analysis also concluded that this accident requires an additional 800 ppm [parts per million] of soluble boron. The total amount of soluble boron required is the 800 ppm to compensate for the reactivity increase from the fuel assembly misload, plus 600 ppm for normal conditions, for a total of 1400 ppm, which is the same conclusion as the current analysis. The current TS require a

minimum concentration of 1720 ppm soluble boron at all times that fuel is in the spent fuel pool. The proposed TS will maintain this soluble boron requirement.

A boron dilution accident was reviewed. There are no changes to the plant, plant equipment or operations required by the proposed change. Also, the criticality analysis concluded that the current soluble boron requirement (> 1720 ppm) bounds the consequences associated with the proposed change.

Thus, there is no change to consequences of a boron dilution accident.

In the case of each accident, K_{eff} [k-effective] continues to be less than the licensing limit of 0.95. Thus, it is concluded that the consequences of a previously evaluated accident remains that same.

Since the proposed change reduces the number of fuel assemblies that can be stored in the fuel storage racks, the current seismic/structural and heat load analyses bound the proposed change.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

There is no change to the physical plant, including the equipment and procedures used to handle fuel (or any heavy load) over fuel storage racks, or how the fuel assemblies are stored in the storage racks. Thus, there are no new accidents created over and above the existing postulated accidents of a fuel misload or a fuel assembly drop onto the racks.

Use of cell blocking devices will no longer be required. The cell blocking devices are removable, and can be removed from the spent fuel racks. Fuel storage loading requirements will continue to be maintained by administrative means. Cell blocking devices are not considered to be a sufficient barrier to preclude a fuel misload accident, as they are not permanent. The consequences of such an accident are the same, whether or not a cell blocker is present. The MPS–2 spent fuel pool has been analyzed to accommodate a single misload of the highest enrichment fresh fuel assembly in any region as well as multiple assembly misloads along the boundary between regions. Thus, removing the requirement to use cell blocking devices will not create a new accident over and above the existing postulated accidents of a fuel misload or a fuel assembly drop onto the racks.

Reducing the number of fuel assemblies that can be stored in the fuel storage racks will not create any new or different type of accident.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

The proposed change does not involve a significant reduction in a margin of safety.

The licensing requirement for the spent fuel pool is that K_{eff} remain less than or equal to 0.95 under all postulated accident conditions (misloaded or dropped fuel assembly, and boron dilution). These accidents were analyzed for the proposed change, and the $K_{eff} < 0.95$ requirement is met in all cases. In addition, the criticality analysis concluded that, under normal conditions, the fuel pool K_{eff} will remain less than 1.0 with 0 ppm boron in the pool.

Since the proposed change reduces the number of fuel assemblies that can be stored in the fuel storage racks, the current seismic/structural and heat load analyses' margin of safety bound the proposed change.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Lillian M. Cuoco, Senior Counsel, Dominion Resources Services, Inc., 120 Tredegar Street, RS–2, Richmond, VA 23219.

NRC Branch Chief: Sean Meighan.

Dominion Nuclear Connecticut, Inc., Docket No. 50–336, Millstone Power Station, Unit 2 (MPS–2), New London County, Connecticut

Date of amendment request: March 21, 2013.

Description of amendment request: The amendments would revise Technical Specification (TS) 3.1.3.7—Control Rod Drive Mechanisms (CRDMs) to provide consistency with the operability requirements of TS Table 3.3–1, Reactor Protective Instrumentation, when control rod drive mechanisms are energized and capable of withdrawal for MPS–2.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

Criterion 1

Will operation of the facility in accordance with the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

This license amendment request proposes to revise the footnote in TS 3.1.3.7, CRDMs, to provide consistency with the operability requirements of TS Table 3.3–1, Reactor Protective Instrumentation, when CRDMs are energized and capable of withdrawal. The proposed change to the footnote in TS 3.1.3.7 does not modify the physical design or operation of the plant and does not increase the probability or consequences of an accident previously evaluated.

The proposed change has no impact on the operation of the CRDMs. In addition, the design basis accident remains unchanged for the postulated events described in the MPS2 Final Safety Analysis Report (FSAR). Since the initial conditions and assumptions included in the safety analyses are unchanged, the consequences of the postulated events remain unchanged.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

Criterion 2

Will operation of the facility in accordance with this proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change does not alter the physical configuration of the plant (no new or different type of equipment will be installed) or introduce any operating configurations not previously evaluated. The proposed change does not alter the way any system, structure, or component (SSC) functions and does not alter the manner in which the plant is operated. The proposed change does not introduce any new failure modes and no new accident precursors are generated.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any previously evaluated.

Criterion 3

Will operation of the facility in accordance with this proposed change involve a significant reduction in the margin of safety?

Response: No.

The proposed change to the footnote in TS 3.1.3.7, CRDMs, does not involve a change in the operational limits or physical design of the plant. The proposed change does not alter the function or operation of plant equipment or affect the response of that equipment if it is called upon to operate. The proposed change does not decrease the scope of equipment currently required to operate or subject to surveillance testing, nor does the proposed change affect any instrument setpoints or equipment safety functions. The ability of operable SSCs to perform their designated safety function is unaffected by this proposed change. The proposed change does not reduce the margin of safety since it does not affect the assumptions in any accident analysis.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Lillian M. Cuoco, Senior Counsel, Dominion Resources Services, Inc., 120 Tredegar Street, RS–2, Richmond, VA 23219.

NRC Branch Chief: Sean Meighan.

Dominion Nuclear Connecticut, Inc., Docket No. 50–336, Millstone Power Station, Unit 2 (MPS–2), New London County, Connecticut

Date of amendment request: April 3, 2013.

Description of amendment request: The amendments would revise Technical Specification 3.9.16 ''Shielded Cask,'' due to changes to the minimum decay time for fuel assemblies adjacent to the spent fuel pool cask laydown area for MPS–2.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed change will not affect the physical plant, including the spent fuel pool, spent fuel racks, or fuel handling equipment. The change increases the calculated dose consequences for the limiting radiological event, but the increase is not significant since the existing value is a minimal fraction of the acceptance criterion. The revised calculated dose remains a small fraction of the acceptance criterion.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

There is no change to the physical plant, including the equipment and procedures used to handle fuel (or any heavy load) over fuel storage racks, or how the fuel assemblies are stored in the storage racks. Thus, there are no new accidents created over and above the existing postulated spent fuel cask accidents which have been evaluated for the proposed change. Reducing the minimum decay time for fuel assemblies in the vicinity of the spent fuel cask affects the radiological source term (amount and type of radioisotopes present in the fuel), but has no influence on the postulated accident scenario itself.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

The proposed change does not involve a significant reduction in a margin of safety. The licensing requirement for the minimum decay time is that radiological dose criteria are met. The limiting accident scenario was analyzed for the proposed change, and the dose criteria continue to be met. Specifically, the calculated dose consequences for the proposed change are and remain a small fraction of the acceptance criteria.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Lillian M. Cuoco, Senior Counsel, Dominion Resources Services, Inc., 120 Tredegar Street, RS–2, Richmond, VA 23219.

NRC Branch Chief: Sean Meighan.

NextEra Energy Point Beach, LLC, Docket Nos. 50–266 and 50–301, Point Beach Nuclear Plant, Units 1 and 2, Town of Two Creeks, Manitowac County, Wisconsin

Date of application for amendments: January 15, 2013, as supplemented on March 1, 2013, and April 18, 2013.

Description of amendment request: The proposed amendment would revise Technical Specification (TS) 5.6.5, ''Reactor Coolant System (RCS) Pressure and Temperature Limits Report (PTLR),'' to allow the use of two new methodologies for determining RCS pressure and temperature limits.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change does not adversely affect accident initiators or precursors nor alter the design assumptions, conditions, or the manner in which the plant is operated and maintained. The proposed change does not alter or prevent the ability of structures, systems or components from performing their intended function to mitigate the consequences of an initiating event within the assumed acceptance limits.

There will be no adverse change to normal plant operating parameters, engineered safety feature actuation setpoints, accident mitigation capabilities, or accident analysis assumptions or inputs. The proposed change does not affect the source term, containment isolation, or radiological release assumptions used in evaluating the radiological consequences of an accident previously evaluated. Further, the proposed change does not increase the types or amounts of radioactive effluent that may be released offsite, nor significantly increase individual or cumulative occupational/public radiation exposures.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change does not impose any new or different requirements or eliminate any existing requirements. The proposed change is consistent with the current safety analysis assumptions and current plant operating practice. No new accident scenarios, transient precursors, failure mechanisms, or limiting single failures are introduced as a result of the proposed change. Equipment important to safety will continue to operate as designed. The change does not result in any event previously deemed incredible being made credible. The change does not result in adverse conditions or result in any increase in the challenges to safety systems.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed change does not alter safety limits, limiting safety system settings, or limiting conditions for operation. The setpoints at which protective actions are initiated are not altered by the proposed change. There are no new or significant changes to the initial conditions contributing to accident severity or consequences. The proposed amendment will not otherwise affect the plant protective boundaries, will not cause a release of fission products to the public, nor will it degrade the performance of any other structures, systems or components important to safety.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for Licensee: William Blair, Senior Attorney, NextEra Energy Point Beach, LLC, P.O. Box 14000, Juno Beach, FL 33408–0420.

NRC Acting Branch Chief: Robert D. Carlson.

Nine Mile Point Nuclear Station, LLC, Docket No. 50–220, Nine Mile Point Nuclear Station, Unit 1, Oswego County, New York

Date of amendment request: March 8, 2013, as supplemented by letter dated May 16, 2013.

Description of amendment request: The proposed amendment to the Nine Mile Point Unit 1 (NMP1) Renewed Facility Operating License DPR–63

would modify Technical Specification (TS) Table 3.6.2i, ''Diesel Generator Initiation,'' by revising the existing 4.16kV Power Board (PB) 102/103 Emergency Bus Undervoltage (Degraded Voltage) Operating Time value and updating the Set Point heading title. In addition, subsequent to the issuance of the proposed amendment by U.S. Nuclear Regulatory Commission, the NMP1 Updated Final Safety Analysis Report (UFSAR) Table XV–9, ''Significant Input Parameters to the Loss-Of-Coolant Accident (LOCA) Analysis,'' would be revised, based on the issued amendment, to add a note regarding maximum allowable delay time from initiating signal to pump at rated speed settings, to address the scenario of degraded grid voltage coincident with a LOCA using the revised TS Table 3.6.2i operating time. The TS and UFSAR revisions are being made to resolve the Green non-cited violation (NCV) associated with the vital bus degraded voltage protection time delay documented in NRC Inspection Report (IR) 05000220/201101, ''Nine Mile Point Nuclear Station—NRC Unresolved Item Follow-up Inspection Report,'' dated January 23, 2012 (Reference 1), specifically, NCV05000220/20 11011–01, ''Vital Bus Degraded Voltage Time Delay Not Maintained within LOCA Analysis Assumptions.''

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed changes modify the TS by changing the maximum time delay for degraded voltage from <60 seconds to ≤24 seconds. The proposed change does not affect the probability or consequences of any accident. Analysis was conducted and determined that the Emergency Core Cooling System (ECCS) will perform its safety function with a time delay of 60 seconds from event initiation to core spray pump at rated speed resulting in insignificant differences in the peak fuel clad temperature (PCT) and maximum local oxidation (MLO) for both GE11 and GNF2 fuel types in use at NMP1. Additionally, the PCT and the MLO remain below the 10 CFR 50.46 acceptance criteria of 2200 °F and 17% respectively.

The proposed changes do not adversely affect accident initiators or precursors, and do not alter the design assumptions, conditions, or configuration of the plant or the manner in which the plant is operated and maintained. The ability of structures, systems, and components to perform their intended safety functions is not altered or prevented by the proposed changes, and the assumptions used in determining the radiological consequences of previously evaluated accidents are not affected.

Therefore, the proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The change adds an additional time delay due to voltage degradation prior to diesel start. The LOCA analysis model is unchanged. The maximum time delay from event initiation to core spray pump at rated speed input was changed from 35 to 60 seconds to model the Loss-Of-Coolant Accident (LOCA) event coincident with a sustained degraded voltage in order to determine that the 10 CFR 50.46 acceptance criteria is met for this scenario. These changes do not involve any physical alteration of the plant (i.e., no new or different type of equipment will be installed), and installed equipment is not being operated in a new or different manner. Thus, no new failure modes are introduced.

Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed changes do not affect the function of the reactor coolant pressure boundary or its response during plant transients. The proposed changes do not alter the manner in which safety limits, limiting safety system settings, or limiting conditions for operation are determined; and the operability requirements for equipment assumed to operate for accident mitigation are not affected. The proposed change modifies the TS by changing the maximum time delay for degraded voltage from <60 seconds to ≤24 seconds. By calculating the PCT and MLO using NRC-approved methodology for the LOCA coincident with a sustained degraded voltage, adequate margins of safety relating to fuel cladding integrity are maintained.

Therefore, the proposed changes do not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Carey W. Fleming, Senior Counsel, Constellation Energy Nuclear Group, LLC, 100 Constellation Way, Suite 200C, Baltimore, MD 21202.

NRC Branch Chief: Sean Meighan.

Northern States Power Company—Minnesota, Docket No. 50–263, Monticello Nuclear Generating Plant (MNGP), Wright County, Minnesota

Date of amendment request: October 30, 2012.

Description of amendment request: The amendment proposes to revise the MNGP Technical Specification (TS) 4.3.1, ''Fuel Storage Criticality,'' and TS 4.3.3, ''Fuel Storage Capacity,'' to support fuel storage system changes and a revised criticality safety analysis that addresses both legacy fuel types and new fuel designs.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below, with NRC edits in brackets:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed amendment does not change the fuel handling processes, fuel storage racks, decay heat generation rate, or the SFP [spent fuel pool] cooling and cleanup system. The proposed amendment was evaluated for impact on the following previously-evaluated events and accidents: (1) Fuel handling accident (FHA), (2) fuel assembly misleading, (3) seismically-induced movement of spent fuel storage racks, and (4) loss of spent fuel pool cooling.

Whereas fuel handling procedures will not be changed materially for the new fuel type or the revised criticality methods, the probability of a FHA is not increased because the implementation of the proposed amendment will employ the same equipment and procedures to handle fuel assemblies that are currently used. Therefore, the proposed amendment does not increase the probability or occurrence of a FHA. In that the proposed amendment does not increase the mechanistic damage to a fuel assembly or the radiological source term of any fuel assembly, the amendment would not increase the radiological consequences of a FHA. With regard to the potential criticality consequences of a dropped assembly coming to rest adjacent to a storage rack or on top of a storage rack, the results are bounded by the current analysis involving a potential missing neutron poison plate in the storage rack. The fuel configuration caused by a dropped assembly resting on top of loaded storage racks is inherently bounded by the assembly misloaded in the storage rack because the misloaded assembly is in closer proximity to other assemblies along its entire fuel length.

Operation in accordance with the proposed amendment will not change the probability of a fuel assembly misloading because fuel movement will continue to be controlled by approved fuel selection and fuel handling procedures. The consequences of a fuel misloading event (fuel assembly loaded into

an unapproved location) are not changed because the reactivity analysis demonstrates that the same subcriticality criteria and requirements continue to be met for the worst-case fuel misloading event.

Operation in accordance with the proposed amendment will not change the probability of occurrence of a seismic event, which is considered an Act of God. Also, the consequences of a seismic event are not changed because the proposed amendment involves no significant change to the types of material stored in SFP storage racks or their mass. In this manner, the forcing functions for seismic excitation and the resulting forces are not changed. Also, particular to criticality, the supporting criticality analysis takes no credit for gaps between high-density rack modules so any seismically-induced movement between high-density racks that puts them in closer proximity would not result in an unanalyzed condition with consequences worse than those analyzed. Also, the small displacement of the high-density rack closest to the fixed location of the low-density rack will not put those racks in a closer proximity than that analyzed. In summary, the proposed amendment will not increase the probability or consequence of a seismic event.

Operation in accordance with the proposed amendment will not change the probability of a loss of spent fuel pool cooling because the changes in fuel criticality limits and introduction of the ATRIUM 10XM fuel design have no bearing on the systems, structures, and components involved in initiating such an event. The proposed amendment does not change the heat load imposed by spent fuel assemblies nor does it change the flow paths in the spent fuel pool. Therefore, the accident consequences are not increased for the proposed amendment.

Therefore, the proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Do the proposed changes create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed amendment involves no new SFP loading configurations for current and legacy fuel designs of the nuclear plant. The proposed amendment does not change or modify the fuel handling processes, fuel storage racks, decay heat generation rate, or the spent fuel pool cooling and cleanup system. Further, the new fuel type does not introduce any incompatible materials to the spent fuel pool environment.

As such, the proposed changes introduce no new material interactions, man-machine interfaces, or processes that could create the potential for an accident of a new or different type.

Operation with the proposed amendment will not create a new or different kind of accident because fuel movement will continue to be controlled by approved fuel handling procedures. There are no changes in the criteria or design requirements pertaining to fuel storage safety, including subcriticality requirements, and analyses demonstrate that the proposed storage arrays meet these requirements and criteria with adequate margins. Thus, the proposed storage arrays cannot cause a new or different kind of accident.

[Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any previously evaluated.]

3. Do the proposed changes involve a significant reduction in a margin of safety?

Response: No.

The proposed amendment was evaluated for its effect on current margins of safety for criticality. Although the amendment involves changing the subcriticality acceptance limit for the low-density storage rack from a value of 0.90 to 0.95, the margin of safety for subcriticality is not significantly reduced in that the limit is consistent with that of the other storage racks and the regulation described by 10 CFR 50.68 (b)(4). The new criticality analysis confirms that operation in accordance with the proposed amendment continues to meet the required subcriticality margin.

Therefore, the proposed changes do not involve a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Peter M. Glass, Assistant General Counsel, Xcel Energy Services, Inc., 414 Nicollet Mall, Minneapolis, MN 55401.

NRC Branch Chief: Robert D. Carlson.

Northern States Power Company—Minnesota, Docket No. 50–263, Monticello Nuclear Generating Plant (MNGP), Wright County, Minnesota

Date of amendment request: March 11, 2013.

Description of amendment request: The amendment proposes to reduce the reactor steam dome pressure specified in MNGP Technical Specifications (TS) 2.0, ''SAFETY LIMITS.'' Specifically, the reactor steam dome pressure value specified in TS 2.1.1.1 and TS 2.1.1.2 will be reduced from the current 785 psig to 686 psig. The requested change supports resolution of a 10 CFR Part 21 condition concerning a potential to momentarily violate a reactor core safety limit during a pressure regulator failure maximum demand (open) transient.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change to the reactor steam dome pressure in Reactor Core Safety Limits 2.1.1.1 and 2.1.1.2 does not alter the use of the analytical methods used to determine the safety limits that have been previously reviewed and approved by the NRC. The proposed change is in accordance with an NRC-approved critical power correlation methodology and, as such, maintains required safety margins. The proposed change does not adversely affect accident initiators or precursors nor does it alter the design assumptions, conditions, or configuration of the facility or the manner in which the plant is operated and maintained.

The proposed change does not alter or prevent the ability of structures, systems, and components (SSCs) from performing their intended function to mitigate the consequences of an initiating event within the assumed acceptance limits. The proposed change does not require any physical change to any plant SSCs nor does it require any change in systems or plant operations. The proposed change is consistent with the safety analysis assumptions and resultant consequences.

Therefore, the proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Do the proposed changes create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

There are no hardware changes nor are there any changes in the method by which any plant systems perform a safety function. No new accident scenarios, failure mechanisms, or limiting single failures are introduced as a result of the proposed change.

The proposed change does not introduce any new accident precursors, nor does it involve any physical plant alterations or changes in the methods governing normal plant operation. Also, the change does not impose any new or different requirements or eliminate any existing requirements. The change does not alter assumptions made in the safety analysis.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any previously evaluated.

3. Do the proposed changes involve a significant reduction in a margin of safety?

Response: No.

Margin of safety is related to the confidence in the ability of the fission product barriers (fuel cladding, reactor coolant system, and primary containment) to perform their design functions during and following postulated accidents. Evaluation of the 10 CFR Part 21 condition by General Electric determined that there was no decrease in the safety margin, the Minimum Critical Power Ratio improves during the transient, and therefore is not a threat to fuel cladding integrity.

The proposed change to Reactor Core Safety Limits 2.1.1.1 and 2.1.1.2 is consistent

with, and within the capabilities of the applicable NRC-approved critical power correlation, and thus continues to ensure that valid critical power calculations are performed. No setpoints at which protective actions are initiated are altered by the proposed change. The proposed change does not alter the manner in which the safety limits are determined. This change is consistent with plant design and does not change the TS operability requirements; thus, previously evaluated accidents are not affected by this proposed change.

Therefore, the proposed changes do not involve a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Peter M. Glass, Assistant General Counsel, Xcel Energy Services, Inc., 414 Nicollet Mall, Minneapolis, MN 55401.

NRC Branch Chief: Robert D. Carlson.

Notice of Issuance of Amendments to Facility Operating Licenses and Combined Licenses

During the period since publication of the last biweekly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

A notice of consideration of issuance of amendment to facility operating license or combined license, as applicable, proposed no significant hazards consideration determination, and opportunity for a hearing in connection with these actions, was published in the **Federal Register** as indicated.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.22(b) and has made a determination based on that assessment, it is so indicated.

For further details with respect to the action see (1) the applications for amendment, (2) the amendment, and (3) the Commission's related letter, Safety Evaluation and/or Environmental Assessment as indicated. All of these items are available for public inspection at the NRC's Public Document Room (PDR), located at One White Flint North, Room O1–F21, 11555 Rockville Pike (first floor), Rockville, Maryland 20852. Publicly available documents created or received at the NRC are accessible electronically through the Agencywide Documents Access and Management System (ADAMS) in the NRC Library at *http://www.nrc.gov/reading-rm/adams.html.* If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the PDR's Reference staff at 1–800–397–4209, 301–415–4737 or by email to *pdr.resource@nrc.gov.*

Carolina Power and Light Company, et al., Docket No. 50–261, H.B. Robinson Steam Electric Plant, Unit 2, Darlington County, South Carolina

Date of application for amendment: June 8, 2012, as supplemented by letters dated October 12, 2012, October 22, 2012, and April 24, 2013.

Brief Description of amendment: The amendment revised the Technical Specifications (TSs) to add a 1-hour soak time to Limiting Conditions for Operation 3.1.4 and 3.1.7 allowing the control rod drive mechanisms additional time following substantial rod motion to reach thermal equilibrium.

Date of issuance: May 16, 2013.

Effective date: As of date of issuance and shall be implemented within 120 days.

Amendment No.: 233.

Renewed Facility Operating License No. DPR–23: Amendment changed the license and TSs.

Date of initial notice in **Federal Register**: August 7, 2012 (77 FR 47126). The supplements dated October 12, 2012, October 22, 2012, and April 24, 2013, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination as published in the **Federal Register.**

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated May 16, 2013.

No significant hazards consideration comments received: No.

Duke Energy Carolinas, LLC, Docket Nos. 50–369 and 50–370, McGuire Nuclear Station, Units 1 and 2, Mecklenburg County, North Carolina

Date of application for amendments: March 5, 2012, as supplemented by letters dated May 29, 2012, June 21, 2012, July 6, 2012, July 16, 2012, August 15, 2012, September 27, 2012, November 1, 2012, January 2, 2013, and March 7, 2013.

Brief description of amendments: The amendments revised the technical specifications to implement a measurement uncertainty recapture power uprate at the McGuire Nuclear Station, Units 1 and 2 (McGuire 1 and 2).

Date of issuance: May 16, 2013.

Effective date: As of the date of issuance and shall be implemented for McGuire 1 within 30 days of the completion of the facility's end-of-cycle 23 refueling outage, currently scheduled for the fall of 2014, and shall be implemented for McGuire 2 within 30 days of the completion of the facility's end-of-cycle 22 refueling outage, currently scheduled for the spring of 2014.

Amendment Nos.: 269 and 249.

Renewed Facility Operating License Nos. NPF–9 and NPF–17: Amendments revised the licenses and the technical specifications.

Date of initial notice in **Federal Register**: May 15, 2012 (77 FR 28630). The supplements dated May 29, 2012, June 21, 2012, July 6, 2012, July 16, 2012, August 15, 2012, September 27, 2012, November 1, 2012, January 2, 2013, and March 7, 2013, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated May 16, 2013.

No significant hazards consideration comments received: No.

Exelon Generation Company, LLC, and PSEG Nuclear LLC, Docket Nos. 50–277 and 50–278, Peach Bottom Atomic Power Station, Units 2 and 3, York and Lancaster Counties, Pennsylvania

Date of application for amendments: November 3, 2011, as supplemented by letters dated December 22, 2011, April 4, 2012, May 17, 2012, June 21, 2012, August 15, 2012, November 13, 2012, and April 18, 2013.

Brief description of amendments: The amendments modify the Technical Specifications (TSs) and Facility

Operating Licenses (FOLs) to allow the use of neutron absorbing inserts in the spent fuel pool storage racks for the purpose of criticality control in the spent fuel pools.

Date of issuance: May 21, 2013.

Effective date: As of the date of issuance, to be implemented within 60 days.

Amendments Nos.: 287 and 290.

Renewed Facility Operating License Nos. DPR–44 and DPR–56: The amendments revised the FOLs and TSs.

Date of initial notice in **Federal Register**: June 5, 2012 (77 FR 33247). The letters dated December 22, 2011, April 4, 2012, May 17, 2012, June 21, 2012, August 15, 2012, November 13, 2012, and April 18, 2013, provided clarifying information that did not change the initial proposed no significant hazards consideration determination or expand the application beyond the scope of the original **Federal Register** notice.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated May 21, 2013.

No significant hazards consideration comments received: No.

FirstEnergy Nuclear Operating Company (FENOC), et al., Docket No. 50–440, Perry Nuclear Power Plant, Unit 1 (PNPP), Lake County, Ohio

Date of amendment request: September 5, 2012.

Description of amendment request: The proposed amendment would modify PNPP's Technical Specifications (TS) Table 3.3.5.1–1, ''Emergency Core Cooling System (ECCS) Instrumentation,'' footnote (a) to require ECCS instrumentation to be operable only when the associated ECCS subsystems are required to be operable. This proposed change is consistent with Nuclear Regulatory Commission (NRC)-approved TS Task Force (TSTF) change traveler TSTF–275–A, Revision 0.

Additionally, the proposed amendment would add exceptions to the diesel generator (DG) surveillance requirements (SRs) for TS 3.8.2, ''AC Sources—Shutdown,'' to eliminate the requirement that the DG be capable of responding to ECCS initiation signals while the ECCS subsystems are not required to be operable. This proposed change is consistent with NRC-approved TSTF–300–A, Revision 0.

Date of issuance: May 16, 2013.

Effective date: As of the date of issuance and shall be implemented within 60 days.

Amendment No.: 164.

Facility Operating License No. NPF–58: This amendment revised the Technical Specifications and License.

Date of initial notice in **Federal Register**: January 8, 2013 (78 FR 1270). The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated May 6, 2013.

No significant hazards consideration comments received: No.

Dated at Rockville, Maryland, this 3rd day of June 2013.

For the Nuclear Regulatory Commission.

Michele G. Evans,

Director, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 2013–13689 Filed 6–10–13; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

[NRC–2013–0106]

Applications and Amendments to Facility Operating Licenses and Combined Licenses Involving Proposed No Significant Hazards Considerations and Containing Sensitive Unclassified Non-Safeguards Information and Order Imposing Procedures for Access to Sensitive Unclassified Non-Safeguards Information

AGENCY: Nuclear Regulatory Commission.

ACTION: License amendment request; opportunity to comment, request a hearing, and petition for leave to intervene, order.

DATES: Comments must be filed by July 11, 2013. A request for a hearing must be filed by August 12, 2013. Any potential party as defined in § 2.4 of Title 10 of the *Code of Federal Regulations* (10 CFR), who believes access to Sensitive Unclassified Non-Safeguards Information (SUNSI) is necessary to respond to this notice must request document access by June 21, 2013.

ADDRESSES: You may submit comments by any of the following methods (unless this document describes a different method for submitting comments on a specific subject):

- *Federal rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2013–0106. Address questions about NRC dockets to Carol Gallagher; telephone: 301–492–3668; email: *Carol.Gallagher@nrc.gov.*
- *Mail comments to:* Cindy Bladey, Chief, Rules, Announcements, and Directives Branch, Office of Administration, Mail Stop: TWB–05–B01M, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

For additional direction on accessing information and submitting comments, see ''Accessing Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

SUPPLEMENTARY INFORMATION:

I. Accessing Information and Submitting Comments

A. Accessing Information

Please refer to Docket ID NRC–2013–0106 when contacting the NRC about the availability of information regarding this document. You may access information related to this document, which the NRC possesses and is publicly available, by any of the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2013–0106.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may access publicly available documents online in the NRC Library at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''ADAMS Public Documents'' and then select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced in this notice (if that document is available in ADAMS) is provided the first time that a document is referenced.
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

B. Submitting Comments

Please include Docket ID NRC–2013–0106 in the subject line of your comment submission, in order to ensure that the NRC is able to make your comment submission available to the public in this docket.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in you comment submission. The NRC will post all comment submissions at *http://www.regulations.gov* as well as enter the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for

submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment submissions into ADAMS.

II. Background

Pursuant to Section 189a.(2) of the Atomic Energy Act of 1954, as amended (the Act), the U.S. Nuclear Regulatory Commission (NRC) is publishing this notice. The Act requires the Commission publish notice of any amendments issued, or proposed to be issued and grants the Commission the authority to issue and make immediately effective any amendment to an operating license or combined license, as applicable, upon a determination by the Commission that such amendment involves no significant hazards consideration, notwithstanding the pendency before the Commission of a request for a hearing from any person.

This notice includes notices of amendments containing SUNSI.

Notice of Consideration of Issuance of Amendments to Facility Operating Licenses and Combined Licenses, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The Commission has made a proposed determination that the following amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. The basis for this proposed determination for the amendment request is shown below.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of 60 days after the date of publication of this notice. The Commission may issue the license amendment before expiration of the 60-day period provided that its final determination is that the amendment involves no significant hazards consideration. In addition, the Commission may issue the amendment prior to the expiration of the 30-day comment period should circumstances change during the 30-day comment period such that failure to act in a timely way would result, for example in derating or shutdown of the facility. Should the Commission take action prior to the expiration of either the comment period or the notice period, it will publish in the **Federal Register** a notice of issuance. Should the Commission make a final No Significant Hazards Consideration Determination, any hearing will take place after issuance. The Commission expects that the need to take this action will occur very infrequently.

Within 60 days after the date of publication of this notice, any person(s) whose interest may be affected by this action may file a request for a hearing and a petition for leave to intervene with respect to issuance of the amendment to the subject facility operating license or combined license. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's ''Agency Rules of Practice and Procedure'' in 10 CFR Part 2. Interested person(s) should consult a current copy of 10 CFR 2.309, which is available at the NRC's PDR, located at One White Flint North, Room O1–F21, 11555 Rockville Pike (first floor), Rockville, Maryland 20852. The NRC's regulations are accessible electronically from the NRC Library on the NRC's Web site at *http://www.nrc.gov/reading-rm/doc-collections/cfr/.* If a request for a hearing or petition for leave to intervene is filed within 60 days, the Commission or a presiding officer designated by the Commission or by the Chief Administrative Judge of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the Chief Administrative Judge of the Atomic Safety and Licensing Board will issue a notice of a hearing or an appropriate order.

As required by 10 CFR 2.309, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following general requirements: (1) The name, address, and telephone number of the requestor or petitioner; (2) the nature of the requestor's/petitioner's right under the Act to be made a party to the proceeding; (3) the nature and extent of the requestor's/petitioner's property, financial, or other interest in the proceeding; and (4) the possible effect of any decision or order which may be entered in the proceeding on the requestor's/petitioner's interest. The petition must also set forth the specific contentions which the requestor/petitioner seeks to have litigated at the proceeding.

Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the requestor/petitioner shall provide a brief explanation of the bases for the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the requestor/petitioner intends to rely in proving the contention at the hearing. The requestor/petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the requestor/petitioner intends to rely to establish those facts or expert opinion. The petition must include sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the requestor/petitioner to relief. A requestor/petitioner who fails to satisfy these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing.

If a hearing is requested, and the Commission has not made a final determination on the issue of no significant hazards consideration, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held. If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment. If the final determination is that the amendment

request involves a significant hazards consideration, then any hearing held would take place before the issuance of any amendment.

All documents filed in NRC adjudicatory proceedings, including a request for hearing, a petition for leave to intervene, any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition for leave to intervene, and documents filed by interested governmental entities participating under 10 CFR 2.315(c), must be filed in accordance with the NRC's E-Filing rule (72 FR 49139, August 28, 2007). The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases to mail copies on electronic storage media. Participants may not submit paper copies of their filings unless they seek an exemption in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least 10 days prior to the filing deadline, the participant should contact the Office of the Secretary by email at *hearing.docket@nrc.gov,* or by telephone at 301–415–1677, to request (1) a digital identification (ID) certificate, which allows the participant (or its counsel or representative) to digitally sign documents and access the E-Submittal server for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a request or petition for hearing (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the hearing in this proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals/apply-certificates.html.* System requirements for accessing the E-Submittal server are detailed in the NRC's ''Guidance for Electronic Submission,'' which is available on the agency's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* Participants may attempt to use other software not listed on the Web site, but should note that the NRC's E-Filing system does not support unlisted software, and the NRC Meta System Help Desk will not be able to offer assistance in using unlisted software.

If a participant is electronically submitting a document to the NRC in accordance with the E-Filing rule, the participant must file the document using the NRC's online, Web-based submission form. In order to serve documents through the Electronic Information Exchange System, users will be required to install a Web browser plug-in from the NRC Web site. Further information on the Web-based submission form, including the installation of the Web browser plug-in, is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.*

Once a participant has obtained a digital ID certificate and a docket has been created, the participant can then submit a request for hearing or petition for leave to intervene. Submissions should be in Portable Document Format (PDF) in accordance with NRC's guidance available on the NRC public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* A filing is considered complete at the time the documents are submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an email notice confirming receipt of the document. The E-Filing system also distributes an email notice that provides access to the document to the NRC's Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the documents on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before a hearing request/petition for leave to intervene is filed so that they can obtain access to the document via the E-Filing system.

A person filing electronically using the agency's adjudicatory E-Filing system may seek assistance by contacting the NRC Meta System Help Desk through the ''Contact Us'' link located on the NRC Web site at *http://www.nrc.gov/site-help/e-submittals.html,* by email at *MSHD.Resource@nrc.gov,* or by a toll-free call at 1–866–672–7640. The NRC Meta System Help Desk is available between 8 a.m. and 8 p.m., Eastern Time, Monday through Friday, excluding government holidays.

Participants who believe that they have a good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) First class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, Sixteenth Floor, One White Flint North, 11555 Rockville Pike, Rockville, Maryland, 20852, Attention: Rulemaking and Adjudications Staff. Participants filing a document in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service. A presiding officer, having granted an exemption request from using E-Filing, may require a participant or party to use E-Filing if the presiding officer subsequently determines that the reason for granting the exemption from use of E-Filing no longer exists.

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket which is available to the public at *http://ehd1.nrc.gov/ehd/,* unless excluded pursuant to an order of the Commission, or the presiding officer. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or home phone numbers in their filings, unless an NRC regulation or other law requires submission of such information. However, a request to intervene will require including information on local residence in order to demonstrate a proximity assertion of interest in the proceeding. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submission.

Petitions for leave to intervene must be filed no later than 60 days from the date of publication of this notice. Requests for hearing, petitions for leave to intervene, and motions for leave to file new or amended contentions that are filed after the 60-day deadline will not be entertained absent a determination by the presiding officer that the filing demonstrates good cause by satisfying the following three factors

in 10 CFR 2.309(c)(1): (i) The information upon which the filing is based was not previously available; (ii) the information upon which the filing is based is materially different from information previously available; and (iii) the filing has been submitted in a timely fashion based on the availability of the subsequent information.

Detroit Edison, Docket No. 50–341, Fermi 2, Monroe County, Michigan

Date of amendment request: February 7, 2013, supplemented by letters dated March 8, 2013, and April 5, 2013. The publicly available versions are available in ADAMS under Accession Nos. ML13043A659, ML13070A197, and ML13095A456, respectively.

Description of amendment request: This amendment request contains sensitive unclassified non-safeguards information (SUNSI). The proposed amendment would revise the Fermi 2 Operating License and Technical Specifications to implement an increase of approximately 1.64 percent in rated thermal power from the current licensed thermal power of 3430 megawatts thermal (MWt) to 3486 MWt. The proposed changes are based on increased feedwater flow measurement accuracy, which was achieved by utilizing Cameron International (formerly Caldon) CheckPlus™ Leading Edge Flow Meter (LEFM) ultrasonic flow measurement instrumentation.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below.

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No

The reviews and evaluations performed to support the proposed uprated power conditions included all components and systems that would be affected by the proposed changes. All accident mitigation systems will function as designed, and all performance requirements for these systems have been evaluated and were found acceptable. Thus, the proposed changes do not create any new accident initiators or increase the probability of an accident previously evaluated.

The primary loop components (e.g., reactor vessel, reactor internals, control rod drive housings, piping and supports, and recirculation pumps) remain within their applicable structural limits and will continue to perform their intended design functions. Thus, there is no increase in the probability of a structural failure of these components.

The nuclear steam supply systems will continue to perform their intended design functions during normal and accident conditions. The balance of plant systems and components continue to meet their applicable structural limits and will continue to perform their intended design functions. Thus, there is no increase in the probability of a failure of these components. The safety relief valves and containment isolation valves meet design sizing requirements at the uprated power level. Because the integrity of the plant will not be affected by operation at the uprated condition, DTE has concluded that all structures, systems, and components required to mitigate a transient remain capable of fulfilling their intended functions.

A majority of the current safety analyses remain applicable, since they were performed at power levels that bound operation at a core power of 3486 MWt. Other analyses previously performed at the current licensed thermal power level have either been evaluated or re-performed for the increased power level. The results demonstrate that acceptance criteria of the applicable analyses continue to be met at the uprated conditions. As such, all applicable accident analyses continue to comply with the relevant event acceptance criteria. The analyses performed to assess the effects of mass and energy releases remain valid. The source terms used to assess radiological consequences have been reviewed and determined to bound operation at the uprated condition.

The proposed changes add test requirements to the revised TS instrument function related to variables that have a significant safety function to ensure that instruments will function as required to initiate protective systems or actuate mitigating systems at the point assumed in the applicable safety analysis. Surveillance tests are not an initiator to any accident previously evaluated. As a result, the probability of any accident previously evaluated is not significantly increased. The systems and components required by the TSs for which surveillance test requirements are added are still required to be operable, meet the acceptance criteria for the surveillance requirements, and be capable of performing any mitigation function assumed in the accident analysis. Therefore, the proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No

No new accident scenarios, failure mechanisms, or limiting single failures are introduced as a result of the proposed changes. All systems, structures, and components previously required for the mitigation of a transient remain capable of fulfilling their intended design functions. The proposed changes have no adverse effects on any safety-related system or component and do not challenge the performance or integrity of any safety-related system.

The proposed changes to surveillance test requirements for the revised TS instrument function involve a physical alteration of the plant, i.e., a change in an instrument setpoint, but do not involve installation of a new or different type of equipment. The proposed changes do not alter assumptions made in the safety analysis but ensures that the instruments perform as assumed in the accident analysis. The proposed changes are consistent with the safety analysis assumptions.

Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No

Operation at the uprated power condition does not involve a significant reduction in a margin of safety. Analyses of the primary fission product barriers have concluded that relevant design criteria remain satisfied, both from the standpoint of the integrity of the primary fission product barrier, and from the standpoint of compliance with the required acceptance criteria. As appropriate, all evaluations have been performed using methods that have either been reviewed or approved by the Nuclear Regulatory Commission, or that are in compliance with regulatory review guidance and standards.

The proposed changes add test requirements to the revised TS instrument function that (1) will assure that TS instrumentation Allowable Values will be limiting settings for assessing instrument channel operability, and (2) will be conservatively determined so that evaluation of instrument performance history and the As Left Tolerance requirements of the calibration procedures will not have an adverse effect on equipment operability. The testing methods and acceptance criteria for systems, structures, and components, specified in applicable codes and standards (or alternatives approved for use by the Nuclear Regulatory Commission) will continue to be met as described in the plant licensing basis including the updated Final Safety Analysis Report. There is no impact to safety analysis acceptance criteria as described in the plant licensing basis because no change is made to the accident analysis assumptions.

Therefore, the proposed changes do not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Bruce R. Masters, DTE Energy, General Council—Regulatory, 688 WCB, One Energy Plaza, Detroit, MI 48226–1279.

NRC Branch Chief: Robert D. Carlson.

Order Imposing Procedures for Access to Sensitive Unclassified Non-Safeguards Information for Contention Preparation

Detroit Edison, Docket No. 50–341, Fermi 2, Monroe County, Michigan

A. This Order contains instructions regarding how potential parties to this proceeding may request access to documents containing Sensitive Unclassified Non-Safeguards Information (SUNSI).

B. Within 10 days after publication of this notice of hearing and opportunity to petition for leave to intervene, any potential party who believes access to SUNSI is necessary to respond to this notice may request such access. A ''potential party'' is any person who intends to participate as a party by demonstrating standing and filing an admissible contention under 10 CFR 2.309. Requests for access to SUNSI submitted later than 10 days after publication will not be considered absent a showing of good cause for the late filing, addressing why the request could not have been filed earlier.

C. The requestor shall submit a letter requesting permission to access SUNSI to the Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff, and provide a copy to the Associate General Counsel for Hearings, Enforcement and Administration, Office of the General Counsel, Washington, DC 20555–0001. The expedited delivery or courier mail address for both offices is: U.S. Nuclear Regulatory Commission, 11555 Rockville Pike, Rockville, Maryland 20852. The email address for the Office of the Secretary and the Office of the General Counsel are *Hearing.Docket@nrc.gov* and *OGCmailcenter@nrc.gov,* respectively.[1] The request must include the following information:

(1) A description of the licensing action with a citation to this **Federal Register** notice;

(2) The name and address of the potential party and a description of the potential party's particularized interest that could be harmed by the action identified in C.(1); and

(3) The identity of the individual or entity requesting access to SUNSI and the requestor's basis for the need for the information in order to meaningfully participate in this adjudicatory proceeding. In particular, the request must explain why publicly available versions of the information requested would not be sufficient to provide the basis and specificity for a proffered contention.

D. Based on an evaluation of the information submitted under paragraph C.(3) the NRC staff will determine within 10 days of receipt of the request whether:

(1) There is a reasonable basis to believe the petitioner is likely to establish standing to participate in this NRC proceeding; and

(2) The requestor has established a legitimate need for access to SUNSI.

E. If the NRC staff determines that the requestor satisfies both D.(1) and D.(2) above, the NRC staff will notify the requestor in writing that access to SUNSI has been granted. The written notification will contain instructions on how the requestor may obtain copies of the requested documents, and any other conditions that may apply to access to those documents. These conditions may include, but are not limited to, the signing of a Non-Disclosure Agreement or Affidavit, or Protective Order[2] setting forth terms and conditions to prevent the unauthorized or inadvertent disclosure of SUNSI by each individual who will be granted access to SUNSI.

F. Filing of Contentions. Any contentions in these proceedings that are based upon the information received as a result of the request made for SUNSI must be filed by the requestor no later than 25 days after the requestor is granted access to that information. However, if more than 25 days remain between the date the petitioner is granted access to the information and the deadline for filing all other contentions (as established in the notice of hearing or opportunity for hearing), the petitioner may file its SUNSI contentions by that later deadline.

G. Review of Denials of Access.

(1) If the request for access to SUNSI is denied by the NRC staff after a determination on standing and need for access, the NRC staff shall immediately notify the requestor in writing, briefly stating the reason or reasons for the denial.

(2) The requestor may challenge the NRC staff's adverse determination by filing a challenge within 5 days of receipt of that determination with: (a) The presiding officer designated in this proceeding; (b) if no presiding officer has been appointed, the Chief Administrative Judge, or if he or she is unavailable, another administrative judge, or an administrative law judge with jurisdiction pursuant to 10 CFR 2.318(a); or (c) if another officer has been designated to rule on information access issues, with that officer.

H. Review of Grants of Access. A party other than the requestor may challenge an NRC staff determination granting access to SUNSI whose release would harm that party's interest independent of the proceeding. Such a challenge must be filed with the Chief Administrative Judge within 5 days of the notification by the NRC staff of its grant of access.

If challenges to the NRC staff determinations are filed, these procedures give way to the normal process for litigating disputes concerning access to information. The availability of interlocutory review by the Commission of orders ruling on such NRC staff determinations (whether granting or denying access) is governed by 10 CFR 2.311.[3]

I. The Commission expects that the NRC staff and presiding officers (and any other reviewing officers) will consider and resolve requests for access to SUNSI, and motions for protective orders, in a timely fashion in order to minimize any unnecessary delays in identifying those petitioners who have standing and who have propounded contentions meeting the specificity and basis requirements in 10 CFR part 2. Attachment 1 to this Order summarizes the general target schedule for processing and resolving requests under these procedures.

It is so ordered.

Dated at Rockville, Maryland, this 4th day of June, 2013.

For the Nuclear Regulatory Commission.

Annette L. Vietti-Cook,

Secretary of the Commission.

ATTACHMENT 1—General Target Schedule for Processing and Resolving Requests for Access to Sensitive Unclassified Non-Safeguards Information in This Proceeding

[1] While a request for hearing or petition to intervene in this proceeding must comply with the filing requirements of the NRC's ''E-Filing Rule,'' the initial request to access SUNSI under these procedures should be submitted as described in this paragraph.

[2] Any motion for Protective Order or draft Non-Disclosure Affidavit or Agreement for SUNSI must be filed with the presiding officer or the Chief Administrative Judge if the presiding officer has not yet been designated, within 30 days of the deadline for the receipt of the written access request.

[3] Requestors should note that the filing requirements of the NRC's E-Filing Rule (72 FR 49139; August 28, 2007) apply to appeals of NRC staff determinations (because they must be served on a presiding officer or the Commission, as applicable), but not to the initial SUNSI request submitted to the NRC staff under these procedures.

Day	Event/activity
0	Publication of **Federal Register** notice of hearing and opportunity to petition for leave to intervene, including order with instructions for access requests.
10	Deadline for submitting requests for access to Sensitive Unclassified Non-Safeguards Information (SUNSI) with information: Supporting the standing of a potential party identified by name and address; describing the need for the information in order for the potential party to participate meaningfully in an adjudicatory proceeding.
60	Deadline for submitting petition for intervention containing: (i) Demonstration of standing; (ii) all contentions whose formulation does not require access to SUNSI (+25 Answers to petition for intervention; +7 requestor/petitioner reply).
20	Nuclear Regulatory Commission (NRC) staff informs the requestor of the staff's determination whether the request for access provides a reasonable basis to believe standing can be established and shows need for SUNSI. (NRC staff also informs any party to the proceeding whose interest independent of the proceeding would be harmed by the release of the information.) If NRC staff makes the finding of need for SUNSI and likelihood of standing, NRC staff begins document processing (preparation of redactions or review of redacted documents).
25	If NRC staff finds no ''need'' or no likelihood of standing, the deadline for requestor/petitioner to file a motion seeking a ruling to reverse the NRC staff's denial of access; NRC staff files copy of access determination with the presiding officer (or Chief Administrative Judge or other designated officer, as appropriate). If NRC staff finds ''need'' for SUNSI, the deadline for any party to the proceeding whose interest independent of the proceeding would be harmed by the release of the information to file a motion seeking a ruling to reverse the NRC staff's grant of access.
30	Deadline for NRC staff reply to motions to reverse NRC staff determination(s).
40	(Receipt +30) If NRC staff finds standing and need for SUNSI, deadline for NRC staff to complete information processing and file motion for Protective Order and draft Non-Disclosure Affidavit. Deadline for applicant/licensee to file Non-Disclosure Agreement for SUNSI.
A	If access granted: Issuance of presiding officer or other designated officer decision on motion for protective order for access to sensitive information (including schedule for providing access and submission of contentions) or decision reversing a final adverse determination by the NRC staff.
A + 3	Deadline for filing executed Non-Disclosure Affidavits. Access provided to SUNSI consistent with decision issuing the protective order.
A + 28	Deadline for submission of contentions whose development depends upon access to SUNSI. However, if more than 25 days remain between the petitioner's receipt of (or access to) the information and the deadline for filing all other contentions (as established in the notice of hearing or opportunity for hearing), the petitioner may file its SUNSI contentions by that later deadline.
A + 53	(Contention receipt +25) Answers to contentions whose development depends upon access to SUNSI.
A + 60	(Answer receipt +7) Petitioner/Intervenor reply to answers.
>A + 60	Decision on contention admission.

[FR Doc. 2013–13695 Filed 6–10–13; 8:45 am]
BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Sunshine Federal Register Notice

AGENCY HOLDING THE MEETINGS: Nuclear Regulatory Commission [NRC–2013–0001]

DATES: Weeks of June 10, 17, 24, July 1, 8, 15, 2013.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and Closed.

Week of June 10, 2013

There are no meetings scheduled for the week of June 10, 2013.

Week of June 17, 2013—Tentative

There are no meetings scheduled for the week of June 17, 2013.

Week of June 24, 2013—Tentative

There are no meetings scheduled for the week of June 24, 2013.

Week of July 1, 2013—Tentative

There are no meetings scheduled for the week of July 1, 2013.

Week of July 8, 2013—Tentative

Tuesday, July 9, 2013

9:30 a.m.
Briefing on Security Issues (Closed—Ex. 1)

Wednesday, July 10, 2013

9:00 a.m.
Briefing on NRC International Activities (Part 1) (Public Meeting) (Contact: Karen Henderson, 301–415–0202)
This meeting will be webcast live at the Web address—*http://www.nrc.gov.*

10:30 a.m.
Briefing on NRC International Activities (Part 2) (Closed—Ex. 1 & 9) (Contact: Karen Henderson, 301–415–0202)

Thursday, July 11, 2013

9:30 a.m.
Meeting with the Advisory Committee on Reactor Safeguards (ACRS) (Public Meeting) (Contact: Ed Hackett, 301–415–7360)
This meeting will be webcast live at the Web address—*http://www.nrc.gov.*

Week of July 15, 2013—Tentative

There are no meetings scheduled for the week of July 15, 2013.

* * * * *

* The schedule for Commission meetings is subject to change on short notice. To verify the status of meetings, call (recording)—301–415–1292. Contact person for more information: Rochelle Bavol, 301–415–1651.

* * * * *

The NRC Commission Meeting Schedule can be found on the Internet at: *http://www.nrc.gov/public-involve/public-meetings/schedule.html.*

* * * * *

The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings, or need this meeting notice or the transcript or other information from the public meetings in another format (e.g. braille, large print), please notify Kimberly Meyer, NRC Disability Program Manager, at 301–287–0727, or by email at *kimberly.meyer-chambers@nrc.gov.* Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

* * * * *

This notice is distributed electronically to subscribers. If you no longer wish to receive it, or would like to be added to the distribution, please contact the Office of the Secretary, Washington, DC 20555 (301–415–1969), or send an email to *darlene.wright@nrc.gov.*

Dated: June 6, 2013.

Rochelle C. Bavol,

Policy Coordinator, Office of the Secretary.

[FR Doc. 2013–13935 Filed 6–7–13; 4:15 pm]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2013–0123]

Proposed Revisions to Reliability Assurance Program

AGENCY: Nuclear Regulatory Commission.

ACTION: Standard review plan-draft section revision; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is revising the following section in Chapter 17, ''Quality Assurance'' and soliciting public comment on NUREG–0800, ''Standard Review Plan for the Review of Safety Analysis Reports for Nuclear Power Plants: LWR Edition,'' Section 17.4, ''Reliability Assurance Program.''

DATES: Submit comments by July 11, 2013. Comments received after this date will be considered, if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

ADDRESSES: You may submit comment by any of the following methods (unless this document describes a different method for submitting comments on a specific subject):

• *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2013–0123. Address questions about NRC dockets to Carol Gallagher; telephone: 301–492–3668; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual(s) listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

• *Mail comments to:* Cindy Bladey, Chief, Rules, Announcements, and Directives Branch (RADB), Office of Administration, Mail Stop: TWB–05–B01M, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

For additional direction on accessing information and submitting comments, see ''Accessing Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Mr. Joseph Colaccino, Office of New Reactors, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–7102, email: *mailto:Joseph.Colaccino@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Accessing Information and Submitting Comments

A. Accessing Information

Please refer to Docket ID NRC–2013–0123 when contacting the NRC about the availability of information regarding this document. You may access information related to this document, which the NRC possesses and is publicly-available, by the following methods:

• *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2013–0123.

• *NRC's Agencywide Documents Access and Management System (ADAMS):* You may access publicly-available documents online in the NRC Library at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*ADAMS Public Documents*'' and then select ''*Begin Web-based ADAMS Search.*'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS Accession numbers for the redline document comparing the current revision and the proposed revision are available in ADAMS under Accession Nos.: Section 17.4 Proposed Revision 1 (ML12354A592), Current Revision 0 (ML063190018), Redline (ML12354A594).

• *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

B. Submitting Comments

Please include Docket ID NRC–2013–0123 in the subject line of your comment submission, in order to ensure that the NRC is able to make your comment submission available to the public in this docket.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC posts all comment submissions at *http://www.regulations.gov* as well as entering the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment submissions into ADAMS.

II. Further Information

The Office of New Reactors is revising this section from the initial issuance. In respect of this proposed Revision 1, details of specific changes are included at the end of the proposed section.

The changes to this Standard Review Plan (SRP) Chapter reflect the current staff review methods and practices based on lessons learned from NRC reviews of design certification and combined license applications completed since the last revision of this chapter. Changes include implementing the guidance previously issued through interim staff guidance DC/COL–ISG–018 (ADAMS Accession No. ML103010113).

The NRC staff is issuing this notice to solicit public comments on the proposed SRP Section in Chapter 17. After the NRC staff considers any public comments, it will make a determination regarding the proposed SRP Section in Chapter 17.

Dated at Rockville, Maryland, this 30th day of May 2013.

For the Nuclear Regulatory Commission.

Joseph Colaccino,

Chief, Policy Branch, Division of Advanced Reactors and Rulemaking, Office of New Reactors.

[FR Doc. 2013–13787 Filed 6–10–13; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2013–0124]

Proposed Revision to Strategies and Guidance to Address Loss of Large Areas of the Plant Due to Explosions and Fires

AGENCY: Nuclear Regulatory Commission.

ACTION: Standard review plan-draft section revision; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is soliciting public comment on NUREG–0800, ''Standard Review Plan for the Review of Safety Analysis Reports for Nuclear Power Plants: LWR Edition,'' on a proposed Revision 0 to Standard Review Plan (SRP), Section 19.4 ''Strategies and Guidance to Address Loss of Large Areas of the Plant due to Explosions and Fires.'' The current SRP does not

contain guidance for staff review of the subject of loss-of-large areas of the plant due to explosions and fires.

DATES: Submit comments by July 11, 2013. Comments received after this date will be considered, if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

ADDRESSES: You may submit comment by any of the following methods (unless this document describes a different method for submitting comments on a specific subject):

• *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2013–0124. Address questions about NRC dockets to Carol Gallagher; telephone: 301–492–3668; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual(s) listed in the FOR FURTHER INFORMATION CONTACT section of this document.

• *Mail comments to:* Cindy Bladey, Chief, Rules, Announcements, and Directives Branch (RADB), Office of Administration, Mail Stop: TWB–05–B01M, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

For additional direction on accessing information and submitting comments, see ''Accessing Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Mr. Joseph Colaccino, Branch Chief, Office of New Reactors, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–7102, email: *Joseph.Colaccino@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Accessing Information and Submitting Comments

A. Accessing Information

Please refer to Docket ID NRC–2013–0124 when contacting the NRC about the availability of information regarding this document. You may access information related to this document, which the NRC possesses and is publicly-available, by the following methods:

• *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2013–0124.

• *NRC's Agencywide Documents Access and Management System (ADAMS):* You may access publicly-available documents online in the NRC Library at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''ADAMS Public Documents'' and then select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The SRP Section 19.4 is in ADAMS under Accession No. ML121110138.

• *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

B. Submitting Comments

Please include Docket ID NRC–2013–0124 in the subject line of your comment submission, in order to ensure that the NRC is able to make your comment submission available to the public in this docket.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC posts all comment submissions at *http://www.regulations.gov* as well as entering the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment submissions into ADAMS.

II. Further Information

The NRC seeks public comment on a new SRP Section 19.4, ''Strategies and Guidance to Address Loss-of-Large Areas of the Plant due to Explosions and Fires.'' This section has been developed to assist NRC staff with the review of applications for certain construction permits, early site permits, licenses, license amendments, and combined licenses. It also informs new reactor applicants and other affected entities of proposed SRP guidance regarding an acceptable method by which staff performs its review of the subject of loss of large areas of the plant due to explosions and fires. Following NRC staff evaluation of public comments, the NRC intends to incorporate the final approved guidance into the next revision of NUREG–0800.

The SRP is guidance for the NRC staff. The SRP is not a substitute for the NRC's regulations, and compliance with the SRP is not required. Accordingly, issuance of the SRP does not constitute ''backfitting'' as defined in 10 CFR 50.109(a)(1) of the backfit rule and is not otherwise inconsistent with the applicable issue finality provisions in 10 CFR Part 52.

Dated at Rockville, Maryland, this 6 day of June 2013.

For the Nuclear Regulatory Commission.

Joseph Colaccino,

Chief, Policy Branch, Division of Advanced Reactors and Rulemaking, Office of New Reactors.

[FR Doc. 2013–13788 Filed 6–10–13; 8:45 am]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 30550; 812–13881]

Compass Efficient Model Portfolios, LLC and Compass EMP Funds Trust; Notice of Application

June 4, 2013.

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Notice of an application under section 6(c) of the Investment Company Act of 1940 (''Act'') for an exemption from section 15(a) of the Act and rule 18f–2 under the Act.

Summary of Application: Applicants request an order that would permit them to enter into and materially amend subadvisory agreements without shareholder approval.

Applicants: Compass Efficient Model Portfolios, LLC (the ''Adviser'') and Compass EMP Funds Trust (''the Trust'').

Filing Dates: The application was filed on March 17, 2011, and amended on September 1, 2011, May 16, 2012, September 24, 2012, and May 14, 2013.

Hearing or Notification of Hearing: An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on July 1, 2013, and should be accompanied by proof of service on the applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request

notification by writing to the Commission's Secretary.

ADDRESSES: Elizabeth M. Murphy, Secretary, U.S. Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090. Applicants: Adviser, 213 Overlook Circle, Suite A–1, Brentwood, TN 37027; the Trust, 17605 Wright Street, Omaha, Nebraska 68130.

FOR FURTHER INFORMATION CONTACT: Lewis Reich, Senior Counsel, at (202) 551–6919, or Jennifer L. Sawin, Branch Chief, at (202) 551–6821 (Division of Investment Management, Exemptive Applications Office).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained via the Commission's Web site by searching for the file number, or an applicant using the Company name box, at *http://www.sec.gov/search/search.htm* or by calling (202) 551–8090.

Applicants' Representations

1. The Trust is organized as a Delaware statutory trust and is registered as an open-end management investment company currently comprising 23 series (the ''Compass Funds'').[1] Each series of the Trust has its own investment objective, policies and restrictions, and each is managed by the Adviser and may be managed by various subadvisers.[2]

2. The Adviser is a Tennessee limited liability company registered as an investment adviser under the Investment Advisers Act of 1940 (''Advisers Act''). It provides investment management services to the Compass Funds under an investment advisory agreement with the Trust (the ''Advisory Agreement'') and will provide investment management services to future Funds under substantially similar advisory agreements (the Advisory Agreement and the advisory agreements for any future Funds, together, the ''Advisory Agreements''). The terms of the Advisory Agreement with respect to the Compass Funds comply, and of other Advisory Agreements will comply, with section 15(a) of the Act. The Advisory Agreement with respect to the Compass Funds was approved by the board of trustees of the Trust (the board of trustees of any Fund, a ''Board''), including by a majority of the trustees who are not ''interested persons'' (as defined in section 2(a)(19) of the Act) of the Trust, any Fund or the Adviser (such trustees for any Fund, its ''Independent Trustees''), and by the initial shareholder of each of the Compass Funds in the manner required by sections 15(a) and (c) of the Act and Rule 18f–2 thereunder.[3]

3. Under the terms of the Advisory Agreements, the Adviser is responsible for the overall management of the business affairs of the Compass Funds' business affairs and selecting investments in accordance with the Compass Funds' respective investment objectives, policies and restrictions. For the investment management services that it provides to the Compass Funds, the Adviser receives the fee specified in the Advisory Agreements. The Advisory Agreement also permits the Adviser to retain one or more subadvisers for the purpose of managing all or a portion of the assets of the Compass Funds. Pursuant to this authority, the Adviser intends to enter into subadvisory agreements with certain unaffiliated subadvisers (''Subadvisers'', and such agreements, ''Subadvisory Agreements'') to provide investment advisory services to the Compass Funds. Each Subadviser to a Fund will be an ''investment adviser'' as defined in section 2(a)(20)(B) of the Act and registered as an investment adviser under the Advisers Act or not subject to such registration.[4] The Adviser will supervise and monitor the Subadvisers, allocate Fund assets to the Subadvisers and periodically recommend to the Board which Subadvisers should be retained or released. The Adviser will compensate the Subadvisers for a Fund out of the advisory fees that the Adviser receives from that Fund.

4. Applicants request an order to permit the Adviser, subject to Board approval, to select Subadvisers and enter into and materially amend Subadvisory Agreements without obtaining shareholder approval. The terms of the Subadvisory Agreements will comply fully with the requirements of section 15(a) of the Act and the Subadvisory Agreements will be approved by the Board, including a majority of the Independent Trustees as required under section 15(a) and section 15(c) of the Act. The Adviser will compensate each Subadviser out of the fees paid to the Adviser under the applicable Advisory Agreement.

5. The requested relief will not extend to any subadviser that is an affiliated person, as defined in section 2(a)(3) of the Act, of the Trust, a Fund or the Adviser (other than by reason of serving as a subadviser to one or more Funds) (''Affiliated Subadviser'').

6. The Funds will inform shareholders of the hiring of a new Subadviser pursuant to the following procedures (''Modified Notice and Access Procedures''): (a) Within 90 days after a new Subadviser is hired for any Fund, that Fund will send its shareholders either a Multi-manager Notice or a Multi-manager Notice and Multi-manager Information Statement; [5] and (b) the Fund will make the Multi-manager Information Statement available on the Web site identified in the Multi-manager Notice no later than

[1] Those 23 series are Compass EMP U.S. 500 Volatility Weighted Fund, Compass EMP U.S. Small Cap 500 Volatility Weighted Fund, Compass EMP International 500 Volatility Weighted Fund, Compass EMP Emerging Market 500 Volatility Weighted Fund, Compass EMP REC Enhanced Volatility Weighted Fund, Compass EMP U.S. 500 Enhanced Volatility Weighted Fund, Compass EMP Long/Short Strategies Fund, Compass EMP International 500 Enhanced Volatility Weighted Fund, Compass EMP U.S. Long/Short Fund, Compass EMP Commodity Long/Short Strategies Fund, Compass EMP Commodity Strategies Volatility Weighted Fund, Compass EMP Managed Futures Strategy Fund, Compass EMP U.S. Long/Short Fixed Income Fund, Compass EMP Long/Short Fixed Income Fund, Compass EMP U.S. Enhanced Fixed Income Fund, Compass EMP Enhanced Fixed Income Fund, Compass EMP Ultra Short-Term Fixed Income Fund, Compass EMP Multi-Asset Balanced Fund, Compass EMP Multi-Asset Growth Fund, Compass EMP Alternative Strategies Fund, Compass EMP Balanced Volatility Weighted Fund, Compass EMP Growth Volatility Weighted Fund, and Compass EMP Conservative Volatility Weighted Fund.

[2] Applicants request relief with respect to any existing or future series of the Trust and any other existing or future registered open-end management investment company or series thereof that (a) is advised by the Adviser; (b) uses the manager-of-managers structure described in the application (''Manager of Managers Structure''); and (c) complies with the terms and conditions of the application (together with the Compass Funds, the ''Funds'' and each, individually, a ''Fund''). The only existing registered open-end management investment company that currently intends to rely on the requested order are named as an Applicant.

[3] Other Advisory Agreements will be similarly approved. Applicants are not seeking any exemptions with respect to Advisory Agreements.

[4] If the name of any Fund contains the name of a Subadviser, the name of the Fund's Adviser will precede the name of the Subadviser.

[5] The ''Multi-manager Notice'' will be modeled on a Notice of Internet Availability as defined in rule 14a–16 under the Securities Exchange Act of 1934 (''Exchange Act''), and specifically will, among other things: (a) Summarize the relevant information regarding the new Subadviser; (b) inform shareholders that the Multi-manager Information Statement is available on a Web site; (c) provide the Web site address; (d) state the time period during which the Multi-manager Information Statement will remain available on that Web site; (e) provide instructions for accessing and printing the Multi-manager Information Statement; and (f) instruct the shareholder that a paper or email copy of the Multi manager Information Statement may be obtained, without charge, by contacting the Funds.

A ''Multi-manager Information Statement'' will meet the requirements of Regulation 14C, Schedule 14C and Item 22 of Schedule 14A under the Exchange Act for an information statement. Multi-manager Information Statements will be filed electronically with the Commission via the EDGAR system.

when the Multi-manager Notice (or Multi-manager Notice and Multi-manager Information Statement) is first sent to shareholders, and will maintain it on that Web site for at least 90 days.

Applicants' Legal Analysis

1. Section 15(a) of the Act provides, in relevant part, that it is unlawful for any person to act as an investment adviser to a registered investment company except pursuant to a written contract that has been approved by the vote of a majority of the company's outstanding voting securities. Rule 18f–2 under the Act provides that each series or class of securities in a series investment company affected by a matter must approve that matter if the Act requires shareholder approval.

2. Section 6(c) of the Act provides that the Commission may exempt any person, security, or transaction or any class or classes of persons, securities, or transactions from any provisions of the Act, or from any rule thereunder, if such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicants state that the requested relief meets this standard for the reasons discussed below.

3. Applicants assert that the shareholders are relying on the Adviser's experience to select one or more Subadvisers best suited to achieve a Fund's investment objectives. Applicants assert that, from the perspective of the investor, the role of the Subadvisers is comparable to that of the individual portfolio managers employed by the Adviser. Applicants state that requiring shareholder approval of each Subadvisory Agreement would impose costs and unnecessary delays on the Funds, and may preclude the Adviser from acting promptly in a manner considered advisable by the Board. Applicants note that the Advisory Agreements and any subadvisory agreement with an Affiliated Subadviser will remain subject to sections 15(a) and (c) of the Act and rule 18f–2 under the Act.

Applicants' Conditions

Applicants agree that any order granting the requested relief will be subject to the following conditions:

1. Before a Fund may rely on the requested order, the operation of the Fund in the manner described in the application will be approved by a majority of the Fund's outstanding voting securities, as defined in the Act, or in the case of a Fund whose public shareholders purchase shares on the basis of a prospectus containing the disclosure contemplated by condition 2 below, by the initial shareholder(s) before offering shares of that Fund to the public.

2. Each Fund relying on the requested order will disclose in its prospectus the existence, substance, and effect of any order granted pursuant to the application. Each Fund will hold itself out to the public as utilizing the Manager of Managers Structure. The prospectus will prominently disclose that the Adviser has ultimate responsibility (subject to oversight by the applicable Board) to oversee the Subadvisers and recommend their hiring, termination, and replacement.

3. Funds will inform shareholders of the hiring of a new Subadviser within 90 days after the hiring of the new Subadviser pursuant to the Modified Notice and Access Procedures.

4. The Adviser will not enter into a subadvisory agreement with any Affiliated Subadviser without such agreement, including the compensation to be paid thereunder, being approved by the shareholders of the applicable Fund.

5. At all times, at least a majority of the applicable Board will be Independent Trustees, and the nomination of new or additional Independent Trustees will be placed within the discretion of the then-existing Independent Trustees.

6. Whenever a subadviser change is proposed for a Fund with an Affiliated Subadviser, the applicable Board, including a majority of the Independent Trustees, will make a separate finding, reflected in the Board minutes, that such change is in the best interests of the Fund and its shareholders, and does not involve a conflict of interest from which the Adviser or the Affiliated Subadviser derives an inappropriate advantage.

7. The Adviser will provide general management services to each Fund, including overall supervisory responsibility for the general management and investment of each Fund's assets and, subject to review and approval of the applicable Board, will: (a) Set each Fund's overall investment strategies; (b) evaluate, select and recommend Subadvisers to manage all or a part of each Fund's assets; (c) allocate and, when appropriate, reallocate each Fund's assets among one or more Subadvisers; (d) monitor and evaluate the performance of Subadvisers; and (e) implement procedures reasonably designed to ensure that the Subadvisers comply with each Fund's investment objective, policies and restrictions.

8. No trustee or officer of the Trust or a Fund, or director, manager, or officer of the Adviser, will own directly or indirectly (other than through a pooled investment vehicle that is not controlled by such person), any interest in a Subadviser, except for (a) ownership of interests in the Adviser or any entity that controls, is controlled by, or is under common control with the Adviser or (b) ownership of less than 1% of the outstanding securities of any class of equity or debt of any publicly traded company that is either a Subadviser or an entity that controls, is controlled by, or is under common control with a Subadviser.

9. In the event the Commission adopts a rule under the Act providing substantially similar relief to that in the order requested in the application, the requested order will expire on the effective date of that rule.

For the Commission, by the Division of Investment Management, under delegated authority.

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2013–13771 Filed 6–10–13; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Public Law 94–409, that the Securities and Exchange Commission will hold a Closed Meeting on Thursday, June 13, 2013 at 2:00 p.m.

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the Closed Meeting. Certain staff members who have an interest in the matters also may be present.

The General Counsel of the Commission, or her designee, has certified that, in her opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(3), (5), (7), 9(B) and (10) and 17 CFR 200.402(a)(3), (5), (7), 9(ii) and (10), permit consideration of the scheduled matters at the Closed Meeting.

Commissioner Walter, as duty officer, voted to consider the items listed for the Closed Meeting in a closed session.

The subject matter of the Closed Meeting will be:

institution and settlement of injunctive actions;

institution and settlement of administrative proceedings;

adjudicatory matters; and

other matters relating to enforcement proceedings.

At times, changes in Commission priorities require alterations in the scheduling of meeting items.

For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact the Office of the Secretary at (202) 551–5400.

Dated: June 6, 2013.

Elizabeth M. Murphy,

Secretary.

[FR Doc. 2013–13860 Filed 6–6–13; 4:15 pm]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–69699; File No. SR–NSCC–2013–805]

Self-Regulatory Organizations; National Securities Clearing Corporation; Notice of Filing of Advance Notice, as Modified by Amendment No. 1, To Require That All Locked-in Trade Data Submitted to It for Trade Recording Be Submitted in Real-time

June 5, 2013.

Pursuant to Section 806(e)(1) of the Payment, Clearing, and Settlement Supervision Act of 2010 (''Clearing Supervision Act'') [1] and Rule 19b–4(n)(1)(i) [2] thereunder, notice is hereby given that on April 30, 2013, the National Securities Clearing Corporation (''NSCC'') filed with the Securities and Exchange Commission (''Commission'') an advance notice described in Items I, II and III below, which Items have been prepared primarily by NSCC. On May 14, 2013, NSCC filed Amendment No. 1 to the advance notice.[3] The Commission is publishing this notice to solicit comments on the advance notice from interested persons.

I. Clearing Agency's Statement of the Terms of Substance of the Advance Notice

NSCC is proposing to modify its Rules to require that all locked-in trade data submitted to NSCC for trade recording be submitted in real-time, as defined below, and to prohibit pre-netting and other practices that prevent real-time trade submission.

[1] 12 U.S.C. 5465(e)(1).

[2] 17 CFR 240.19b–4(n)(i).

[3] In Amendment No. 1, NSCC modified Exhibit 5 to the original advance notice filing to correct a typographical error in the text of its Rules & Procedures (''Rules'') related to the advance notice.

II. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Advance Notice

In its filing with the Commission, NSCC included statements concerning the purpose of and basis for the advance notice and discussed any comments it received on the advance notice. The text of these statements may be examined at the places specified in Item IV below. NSCC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of these statements.[4]

(A) Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Advance Notice

Proposal Overview

NSCC is proposing to modify its Rules to require that all locked-in trade data submitted to NSCC for trade recording be submitted in real-time,[5] and to prohibit pre-netting and other practices that prevent real time trade submission.

According to NSCC, the majority of all transactions processed at NSCC are submitted on a locked-in basis by self-regulatory organizations (''SROs'') (including national and regional exchanges and marketplaces), and Qualified Special Representatives (''QSRs'').[6] Currently NSCC data reveals that almost all exchanges [7] and some QSRs submit trades executed on their respective markets in real-time, representing approximately 91% of the locked-in trades submitted to NSCC today. The proposed rule change would require that all locked-in trades submitted for trade recording by SROs and QSRs be submitted to NSCC in real-time.[8]

[4] The Commission has modified the text of the summaries prepared by NSCC.

[5] The term ''real-time,'' when used with respect to trade submission, will be defined in Procedure XIII (Definitions) of NSCC's Rules as the submission of such data on a trade-by-trade basis promptly after trade execution, in any format and by any communication method acceptable to NSCC.

[6] QSRs are NSCC Members that either (i) operate an automated execution system where they are always the contra side of every trade, (ii) are the parent or affiliate of an entity operating such an automated system, where they are the contra side of every trade, or (iii) clear for a broker-dealer that operates such a system and the subscribers to the system acknowledge the clearing Member's role in the clearance and settlement of these trades.

[7] One executing market with very low trade volume does not yet submit trades in real-time.

[8] NSCC is not at this time modifying Procedure III (Trade Recording Service (Interface Clearing Procedures)) of its Rules, so files submitted to NSCC by The Options Clearing Corporation (''OCC'') relating to option exercises and assignments (Procedure III, Section D—Settlement of Option Exercises and Assignments) will not be required to be submitted in real-time. OCC's process of assigning option assignments is and will continue to be an end-of-day process.

NSCC is also proposing to prohibit practices that preclude real-time submission, such as ''pre-netting.'' NSCC states that typically, pre-netting is done on a bilateral basis between a QSR and its customer, both NSCC Members. According to NSCC, any pre-netting practices—whether in the form of ''summarization'' (i.e., technique in which the clearing broker nets all trades in a single CUSIP by the same correspondent broker into fewer submitted trades), ''compression'' (i.e., technique to combine submissions of data for multiple trades to the point where the identity of the party actually responsible for the trades is masked), netting, or any other practice that combines two or more trades prior to their submission to NSCC (collectively, ''pre-netting'')—prevent the submission to NSCC of transactions on a trade-by-trade basis, and cause submitting firms to delay submission of their trades. According to NSCC, these practices disrupt NSCC's ability to accurately monitor market and credit risks as they evolve during the trading day. Therefore, NSCC's proposal will prohibit pre-netting activity on the part of entities submitting original trade data on a locked-in basis.[9] The rules of NSCC's affiliate Fixed Income Clearing Corporation (''FICC'') currently prohibit such activity, and this proposed rule change would align NSCC's trade submission rules with those of FICC.[10]

NSCC does not expect the proposed rule changes to impact trade volumes significantly. According to NSCC, the majority of trades are currently being submitted to NSCC in real-time on a trade-by-trade basis, and NSCC is operationally capable of managing trade volumes that are multiple times larger than the historical peak volumes. NSCC's trade capture application,

[9] Trades executed in the normal course of business between a Member that clears for other broker-dealers, and its correspondent, or between correspondents of the Member, which correspondent(s) is not itself a Member and settles such obligations through such clearing Member (i.e., ''internalized trades'') are not required to be submitted to NSCC and shall not be considered to violate the ''pre-netting'' prohibition.

[10] *See, e.g.,* GSD Rule 11 (Netting System), Section 3 (''All trade data required to be submitted to the Corporation under this Section must be submitted on a trade-by-trade basis with the original terms of the trades unaltered. A Member or any of its Affiliates may not engage in the Pre-Netting of Trades prior to their submission to the Corporation in contravention of this section. In addition, a Member or any of its Affiliates may not engage in any practice designed to contravene the prohibition against the Pre-Netting of Trades.''), *http://dtcc.com/legal/rules_proc/FICC-Government_Security_Division_Rulebook.pdf. See also* Order Granting Approval of a Proposed Rule Change Relating to Trade Submission Requirements and Pre-Netting, Release No. 34–51908 (June 22, 2005), 70 FR 37450 (June 29, 2005).

Universal Trade Capture, provides contract information to Members in real-time. Receipt of trade data in real-time will enable NSCC to record, and report to Members, trade data as it is received by the marketplaces, thereby promoting intra-day reconciliation of transactions at the Member level.

In the wake of recent industry disruptions, industry participants have been focused on developing controls to address the risks that arise from technology issues. NSCC believes that technology issues that could potentially cause significant disruptions and losses have become more likely in the securities markets that have leveraged technology advances to move to higher frequency trading environment. A comment letter submitted to the Commission in advance of its Technology and Trading Roundtable, held in October 2012, and signed by a number of industry participants including SROs, broker-dealers, and buy-side firms, supported this proposed rule change as a crucial component of the industry controls that could increase market transparency and ultimately mitigate risks associated with high-frequency trading and related technology.[11]

As a central counterparty, NSCC contributes to market stability by interposing itself between counterparties to financial transactions and thereby reducing the risk faced by market participants. NSCC believes the proposed rule change will align NSCC's Rules with the trend in risk mitigation to move towards real-time trade submission and processing. NSCC believes the proposal will also support NSCC's critical role in maintaining financial stability by reducing the operational risk that results from locked-in trade data not being submitted to NSCC in real-time, particularly from firms that delay trade submission so as to pre-net their data. For example, receipt of locked-in trade data on a real-time basis will permit NSCC's risk management processes to monitor trades closer to trade execution on an intra-day basis, and identify and manage any issues relating to excessive risk exposure earlier in the day. According to NSCC, it will also be able to provide safe storage for real-time trade data, mitigating the risk that an event that occurs after trade execution and disrupts trade input will significantly delay completion of those trades or may even cause trade data to be lost.

While the proposed rule change will require some QSRs to enhance their trade submission systems, and could cause increased fees for those NSCC Members that pre-net their trade data so as to reduce clearance fees, NSCC believes the significant risk mitigation benefits of this proposal outweigh any temporary burdens or increased costs that may result. As a user-owned industry utility and a registered clearing agency, NSCC believes it must appropriately allocate the costs of its services in order to maintain a fee schedule that is fair and equitable among its participants. According to NSCC, enabling Members to persist in pre-netting practices permits those participants to evade paying their fair share of NSCC's costs, rendering NSCC's fee schedule, as currently applied, inequitable to the firms for whom trades are submitted in real-time without any pre-netting. Further, over the past few years, NSCC has adjusted its fee schedule to give more weight to ''value transacted'' and less weight to ''units processed,'' which NSCC believes will reduce the impact of this rule change on Members' fees.

Implementation Timeframe

If the Commission approves this proposed rule change, Members will be advised of the implementation date through issuance of an NSCC Important Notice. The proposed rule change will not be implemented earlier than seven (7) months from the date of Commission approval.

Proposed Rule Changes

NSCC proposes to amend Rule 7 (Comparison and Trade Recording Operation), Procedures II (Trade Comparison and Recording Service), IV (Special Representative Service) and XIII (Definitions) of its Rules in order to require that all locked-in trades submitted for trade recording by SROs and QSRs be submitted on a real-time basis, and to make clear that locked-in trade data from SROs and QSRs must be submitted on a trade-by-trade basis, in the original form in which they are executed, and that pre-netting and similar practices are prohibited.

In light of these proposed changes, Addendum N (Interpretation of the Board of Directors: Locked-In Data From Qualified Special Representatives) of NSCC's Rules will be deleted, as it will be no longer relevant.

(B) Clearing Agency's Statement on Comments on the Advance Notice Received From Members, Participants, or Others

While written comments relating to the proposed rule change have not yet been solicited with respect to this filing, the proposed rule changes described herein were the subject of a prior rule filing that was filed with the Commission in 2006 as File No. SR–NSCC–2006–04 (''2006 Filing'').[12] NSCC received a number of public comments to the 2006 Filing. NSCC submitted a public response to each of the comments in 2006.[13] The 2006 Filing was officially withdrawn on December 29, 2011.

(C) Advance Notices Filed Pursuant to Section 806(e) of the Payment, Clearing and Settlement Supervision Act

Description of Change

NSCC is proposing to amend its Rules in order to require that all locked-in trade data submitted to NSCC for trade recording be submitted promptly after trade execution (or in real- time), and to prohibit pre-netting and other practices that prevent real-time trade submission. The proposed rule change is described in detail above.

Anticipated Effect on and Management of Risk

As described above, the proposed rule change is designed to reduce the operational, market, and credit risk to both NSCC and it's Members that results from locked-in trade data not being submitted to NSCC in real-time. The risk-mitigating effects of this proposal are described in detail above.

III. Date of Effectiveness of the Advance Notice and Timing for Commission Action

The clearing agency may implement the proposed change pursuant to Section 806(e)(1)(G) of the Clearing Supervision Act [14] if it has not received an objection to the proposed change within 60 days of the later of (i) the date that the Commission received the advance notice or (ii) the date the Commission receives any further information it requested for consideration of the notice. The clearing agency shall not implement the proposed change if the Commission has any objection to the proposed change.

The Commission may extend the period for review by an additional 60 days if the proposed change raises novel or complex issues, subject to the Commission providing the clearing agency with prompt written notice of the extension. A proposed change may be implemented in less than 60 days from the date of receipt of the advance

[11] Comment Letter dated Sept. 28, 2012 (*http://www.sec.gov/comments/4–652/4652–17.pdf*).

[12] Release No. 34–53742 (Apr. 28, 2006), 71 FR 26804 (May 8, 2006).

[13] Response Letter from NSCC dated Aug. 18, 2006 (*http://www.sec.gov/comments/sr-nscc-2006–04/nscc200604–9.pdf*).

[14] 12 U.S.C. 5465(e)(1)(G).

notice, or the date the Commission receives any further information it requested, if the Commission notifies the clearing agency in writing that it does not object to the proposed change and authorizes the clearing agency to implement the proposed change on an earlier date, subject to any conditions imposed by the Commission. The clearing agency shall post notice on its Web site of proposed changes that are implemented.

The proposal shall not take effect until all regulatory actions required with respect to the proposal are completed.[15]

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the advance notice is consistent with the Clearing Supervision Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File No. SR–NSCC–2013–805 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File No. SR–NSCC–2013–805. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml).* Copies of the submission, all subsequent amendments, all written statements with respect to the advance notice that are filed with the Commission, and all written communications relating to the advance notice between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filings also will be available for inspection and copying at the principal office of NSCC and on NSCC's Web site at *http://www.dtcc.com/downloads/legal/rule_filings/2013/nscc/SR-NSCC-203-805.pdf* All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File No. SR–NSCC–2013–805 and should be submitted on or before June 26, 2013.

By the Commission.

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2013–13773 Filed 6–10–13; 8:45 am]

BILLING CODE 8011–01–P

[15] NSCC also filed the proposals contained in this advance notice as a proposed rule change under Section 19(b)(1) of the Exchange Act and Rule 19b–4 thereunder. 15 U.S.C. 78s(b)(1); 17 CFR 240.19b–4. Pursuant to Section 19(b)(2) of the Exchange Act, generally not later than 45 days after the date of publication of the proposed rule change in the **Federal Register** or such longer period up to 90 days if the Commission determines that a longer period is appropriate and publishes the reasons for such determination or the self-regulatory organization consents the Commission will either: (i) by order approve or disapprove the proposed rule change or (ii) institute proceedings to determine whether the proposed rule change should be disapproved. 17 U.S.C. 78s(b)(2)(A). *See* Release No. 34–69571 (May 14, 2013), 78 FR 29408 (May 20, 2013).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–69702; File No. SR–FINRA–2013–022]

Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating to Dissemination of Agency-Pass Through Mortgage-Backed Securities and SBA-Backed Asset-Backed Securities Traded in Specified Pool Transactions

June 5, 2013.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on May 24, 2013, the Financial Industry Regulatory Authority, Inc. (''FINRA'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by FINRA. FINRA has designated the proposed rule change as constituting a ''non-controversial'' rule change under paragraph (f)(6) of Rule 19b–4 under the Act,[3] which renders the proposal effective upon receipt of this filing by the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

FINRA is proposing to amend the Trade Reporting and Compliance Engine (''TRACE'') dissemination protocols to provide a limited exception to dissemination requirements for certain Agency Pass-Through Mortgage Backed-Securities (''MBS'') and Asset-Backed Securities (''ABS'') backed by loans guaranteed as to principal and interest by the Small Business Administration (''SBA-Backed ABS'') traded in Specified Pool Transactions (collectively, ''MBS and SBA-Backed ABS Specified Pool Transactions'') that are reported late and to clarify that FINRA will disseminate an MBS or SBA-Backed ABS Specified Pool Transaction in instances where some but not all of the data elements are available and input in the TRACE System when the transaction is reported.[4]

The proposed rule change makes no changes to the rule text.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, FINRA included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. FINRA has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

On August 29, 2012, FINRA filed SR–FINRA–2012–042, a proposed rule change to amend FINRA Rule 6750 and

[3] 17 CFR 240.19b–4(f)(6).

[4] The terms Agency Pass-Through Mortgage-Backed Security, Asset-Backed Security, and Specified Pool Transaction are defined in FINRA Rule 6710(v), FINRA Rule 6710(m), and FINRA Rule 6710(x), respectively. The dissemination requirements were approved and will become effective on July 22, 2013. *See* note 5.

certain dissemination protocols to disseminate information on MBS and SBA-Backed ABS Specified Pool Transactions immediately upon receipt of a transaction report (the ''Specified Pool Filing'').[5] On October 23, 2012, the SEC approved the Specified Pool Filing.[6] In December 2012, FINRA issued *Regulatory Notice* 12–56, announcing July 22, 2013 as the effective date for the dissemination of MBS and SBA-Backed ABS Specified Pool Transactions, and briefly describing information (hereinafter, ''data elements'') to be disseminated for such transactions.[7]

FINRA proposes to amend the TRACE dissemination protocols to provide a limited exception to dissemination requirements for certain MBS and SBA-Backed ABS Specified Pool Transactions that are reported late in circumstances where dissemination may mislead or confuse investors and other market participants. In addition, the proposal would clarify that an MBS or SBA-Backed ABS Specified Pool Transaction will be disseminated at the time of reporting, in instances where some but not all of the data elements are available and input in the TRACE System when the transaction is reported, to make transparent those data elements that are available at the time of reporting.

Background. MBS and SBA-Backed ABS Specified Pool Transactions, which currently are required to be reported to TRACE, will be disseminated effective July 22, 2013. The dissemination protocols for MBS and SBA-Backed ABS Specified Pool Transactions will differ from the dissemination protocols that currently are used to disseminate other types of TRACE-Eligible Securities.[8]

In dissemination protocols currently in use, the transaction information is disseminated together with the CUSIP of the security. The CUSIP may be cross-referenced with a file that contains certain reference data, such as issuer, coupon and maturity date. When disseminating information regarding an MBS or SBA-Backed ABS Specified Pool Transaction, the CUSIP will not be displayed, as described in the Specified Pool Filing and *Regulatory Notice* 12–56.[9] FINRA instead will disseminate an identifier (a ''reference data identifier'' or ''RDID''), which similarly may be cross-referenced with a file that contains certain data elements that describe the security (*e.g.,* type of issuer) and provide information about characteristics of the Specified Pool at the Time of Execution (*e.g.,* the WAM of the various credit instruments constituting the pool).[10]

In contrast to a CUSIP, which is constant over the life of the security, an MBS or SBA-Backed ABS Specified Pool will be identified by and mapped by the TRACE system to different RDIDs over the life of the security. This is due primarily to the amortization of the securities. Ordinarily, the values of several of the data elements constituting the RDID (such as WAC and WAM) will change approximately once a month, when the GSEs and agencies (*e.g.,* the Federal National Mortgage Association (''Fannie Mae''), Federal Home Loan Mortgage Corporation (''Freddie Mac''), Government National Mortgage Association (''Ginnie Mae'') and the SBA) publish updated data based on the payments made on the underlying debt and the amortization of such securities.[11] Thus, an MBS or SBA-Backed ABS Specified Pool will be identified by and mapped by the TRACE system to only one RDID at a given point in time, but will be identified by and mapped to various RDIDs over the life of the security as the values of the data elements are updated.[12] In disseminated data, market participants will cross-reference the RDID with a file that contains the corresponding values of the data elements for the security at the Time of Execution of the MBS or SBA-Backed ABS Specified Pool Transaction.

The dissemination protocol to provide an RDID that market participants will use to cross-reference a file that contains the data elements was developed by FINRA because it will be impractical to disseminate directly and immediately upon receiving a TRACE transaction report the multiple data elements that describe a particular MBS or SBA-Backed ABS Specified Pool. As a result of this new dissemination protocol, the TRACE system will maintain vast amounts of past and current information. The TRACE system will store as readily accessible (for transaction processing purposes, including real-time dissemination) the most current version of the RDID (the RDID that identifies and maps to the current MBS or SBA-Backed ABS Specified Pool) and one prior version. However, the TRACE system will archive all prior RDID versions, and although the archived RDIDs will be available for regulatory purposes, they will not be available to be displayed in real-time disseminated data.

Proposal. FINRA proposes to modify TRACE dissemination protocols to provide a limited exception to the dissemination of MBS or SBA-Backed ABS Specified Pool Transactions when two conditions are present: the MBS or SBA-Backed ABS Specified Pool Transaction is reported late and the RDID (*i.e.,* the version of RDID that is applicable at the Time of Execution of the transaction) has been archived by the TRACE system. Such transactions would not be disseminated because the applicable RDID, if archived, is not available to be displayed in disseminated data.[13] This would

[5] *See* Securities Exchange Act Release No. 68084 (October 23, 2012), 77 FR 65436 (October 26, 2012) (SEC Order Approving File No. SR–FINRA–2012–042 to provide for, among other things, the dissemination of MBS and SBA-Backed ABS Specified Pool Transactions and SBA-Backed ABS traded To Be Announced (''TBA'')). (The proposed rule change does not propose to amend dissemination requirements of SBA-Backed ABS traded TBA that were approved in the Specified Pool Filing.)

[6] *See* note 5.

[7] *See Regulatory Notice* 12–56 (announcing July 22, 2013 as the effective date of SR–FINRA–2012–042, and, in Attachment A thereto, describing certain data elements).

[8] Currently, the data elements that are displayed by TRACE upon dissemination of a transaction in a TRACE-Eligible Security include, among other things, CUSIP, time of transaction, size (subject to dissemination caps), price, counterparty type (customer or dealer), and buy/sell indicator. The term TRACE-Eligible Security is defined in FINRA Rule 6710(a).

[9] For example, for an MBS Specified Pool Transaction, some of the data elements to be provided to evaluate pricing include: (a) coupon; (b) weighted average coupon (''WAC''); (c) original maturity; (d) weighted average maturity (''WAM''); (e) original loan-to-value (''original LTV''); (f) the average loan size (''ALS''); and (g) weighted average loan age (''WALA''). These data elements will be displayed as rounded and truncated values. In addition, to identify the type of security traded, in lieu of the CUSIP, FINRA will include data elements that identify the pool by agency or government-sponsored-enterprise (''GSE''), product type and amortization type. *See* the Specified Pool Filing and *Regulatory Notice* 12–56, Attachment A, for a more detailed description of the data elements to be used in disseminating information about MBS and SBA-Backed ABS Specified Pool Transactions.

[10] The term ''Time of Execution'' is defined in FINRA Rule 6710(d).

[11] FINRA notes that, in connection with a specific MBS or SBA-Backed ABS Specified Pool, an RDID may be superseded by a subsequent RDID more frequently than monthly if any of the values of the data elements change (except a change so minor that the truncated and rounded number does not change, as explained in note 9). For example, an RDID may be superseded at any time to correct inaccurate data elements provided to FINRA by the agency, FINRA's reference data provider, or a member.

[12] On a specific date in connection with a specific MBS or SBA-Backed ABS Specified Pool, (such as the date of execution of a transaction in a specific MBS or SBA-Backed ABS Specified Pool), only one RDID will identify and map to the particular MBS or SBA-Backed ABS Specified Pool. In many cases, however, on a specific date a single RDID may identify and map to more than one MBS or SBA-Backed ABS Specified Pool, because the values of certain data elements are rounded or truncated.

[13] For example, assume that a GSE or agency typically publishes updated information regarding an MBS or SBA-Backed ABS Specified Pool monthly on the sixth day, that the date and Time

Continued

happen if the Time of Execution of the transaction reported is prior to the applicable start date of both the current and the previous RDID.[14] FINRA believes that if an RDID is displayed in disseminated data, the RDID must be the one in effect at the Time of Execution of a transaction, not the time of reporting. If the relevant RDID is archived and a subsequent version of the RDID were used to disseminate the transaction for the sake of disseminating all transactions in an MBS or SBA-Backed ABS Specified Pool, the data disseminated, such as the values for WAC and WAM, would not correspond to the data values (*e.g.,* such as WAC and WAM), that are accurate as of the Time of Execution, and may mislead and confuse investors and market participants. FINRA recognizes that given the amortization of MBS and SBA-Backed ABS Specified Pools, to provide meaningful transparency for MBS or SBA-Backed ABS Specified Pool Transactions, the data elements applicable at the Time of Execution must be the data elements cross-referenced by any RDID that is disseminated by TRACE to characterize accurately the security [sic] the subject of the transaction. If such RDID is not available for dissemination, the transaction should not be disseminated.

The proposed amendments to the TRACE dissemination protocols will allow the dissemination of almost all MBS or SBA-Backed ABS Specified Pool Transactions to proceed while providing notice that, in rare circumstances, a limited number of transactions will not be disseminated.[15] The proposed rule change will not alter a member's obligation to report timely MBS or SBA-Backed ABS Specified Pool Transactions and FINRA's surveillance of the market and member reporting practices will not be affected. FINRA will continue to have access to all reported transactions. All information, including the superseded versions of RDID, will be archived and available at any time for surveillance purposes to review the trading and pricing of MBS or SBA-Backed ABS Specified Pool Transactions and correlated TBA transactions.[16] Finally, all transaction information will be maintained in Historic TRACE Data[17] and be available, following the aging of such transactions, as provided in FINRA Rule 7730.

FINRA is also proposing to clarify the dissemination protocols to indicate that FINRA will disseminate an MBS or SBA-Backed ABS Specified Pool Transaction immediately upon receipt of the transaction report in instances where some but not all of the data elements are available and input in the TRACE System when the transaction is reported. FINRA will make transparent the data elements that are available at the time the transaction is reported.

As noted above, FINRA previously published a list of certain data elements that would be accessible in lieu of a CUSIP to provide transparency for MBS and SBA-Backed ABS Specified Pool Transactions. However, an MBS or SBA-Backed ABS Specified Pool Transaction may occur and be reported to TRACE prior to the receipt and input to the TRACE system of all of the data elements described previously.[18] FINRA clarifies the dissemination protocols to provide that, in such cases, FINRA will disseminate information on an MBS or a SBA-Backed ABS Specified Pool Transaction, by disseminating an RDID that cross-references a file that contains the data elements that the TRACE system has received regarding that security as of the Time of Execution. The value provided by making the transaction information available and transparent outweighs any negative impact of disseminating a transaction for which not all of the data elements are available.

FINRA has filed the proposed rule change for immediate effectiveness. The implementation date of the proposed rule change will be the first day on which MBS and SBA-Backed ABS Specified Pool Transactions will be disseminated.

2. Statutory Basis

FINRA believes that the proposed rule change is consistent with the provisions of Section 15A(b)(6) of the Act,[19] which requires, among other things, that FINRA rules must be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest. The public dissemination of information on MBS and SBA-Backed ABS Specified Pool Transactions immediately upon receipt of a transaction will provide transparency to the MBS and SBA-Backed ABS Specified Pool market for the first time, and given the correlation between the pricing of such Specified Pool Transactions and TBAs, also will enhance the information available to the public and investors regarding the pricing of TBA transactions. FINRA believes that the additional transparency in these two segments of the ABS market will promote just and equitable principles of trade for the benefit of investors, the public and market participants, and will aid in the prevention of fraudulent and manipulative acts and practices. FINRA believes that the approach to disseminating MBS and SBA-Backed ABS Specified Pool Transactions using a new and substantially more complex methodology strikes a balance between providing transparency for such securities transactions and addressing concerns regarding anonymity expressed by both buy and sell-side market participants. The proposed rule

of Execution of a MBS or SBA-Backed ABS Specified Pool Transaction is 1:00 p.m. on September 5, 2013, and that the transaction is reported late (or ''as/of'') on October 7, 2013.

As noted above, the version of the RDID that must be used in the disseminated data is the RDID in effect at the Time of Execution. In this case, the RDID on August 6, 2013 is the applicable RDID for the September 5, 2013 transaction. This August 6 RDID was superseded by the RDID on September 6, 2013 (as a result of the monthly updates of the data elements) and superseded again on October 6, 2013 (again, due to the monthly updates). On October 6, 2013, the August 6 RDID must be archived, and is no longer available to be disseminated (the TRACE system would retain the October 6 RDID and the September 6 RDID). Thus, when the September 5, 2013 transaction is reported late on October 7, 2013 and the applicable August 6 RDID has been archived, the late reported transaction cannot be disseminated with an RDID that would cross-reference accurate data. If FINRA were to disseminate the transaction in the above example, which was priced based upon the security characteristics of the MBS or SBA-Backed ABS Specified Pool that were valid at the time the August 6 RDID was the applicable RDID, by disseminating either the September 6 or October 6 RDID, market participants would be misled by the disseminated RDID and the inaccurate information that such RDID would cross-reference.

[14] FINRA's ability to surveil the market for such transactions will not be affected, as the transaction is available for review by FINRA Market Regulation staff. In addition, the transaction will be available in the historical data.

[15] Based on a review of the rate of late transaction reporting in MBS and SBA-Backed ABS Specified Pool Transactions, FINRA believes that a limited number of transactions will be not be disseminated. In 2012, approximately 0.1% of all reported MBS and SBA-Backed ABS Specified Pool Transactions were reported late such that FINRA would not be able to disseminate the transaction.

[16] For example, FINRA will surveil to identify patterns of late reporting in MBS and SBA-Backed ABS Specified Pool Transactions, alone, or with correlated TBA transactions.

[17] FINRA currently provides access to aged transaction-level data for a fee. Historic TRACE Data is defined in FINRA Rule 7730(f)(4) and is delayed a minimum of 18 months.

[18] This may occur if a GSE or an agency has not published a data element with respect to a specified MBS or SBA-Backed ABS Specified Pool. FINRA notes that certain data elements are not available for some MBS because the GSE or agency only recently started providing such information (e.g., Fannie Mae began publishing weighted average original LTVs for its MBS in 2003, and Ginnie Mae began to do so in 2004), and the GSE and agencies do not make such information available for MBS they issued prior to the applicable date. This also may occur when the information is not provided timely or accurately to FINRA by the GSE or agency, a reference data provider, or, a member.

[19] 15 U.S.C. 78o–3(b)(6).

change to provide a limited exception to the dissemination of all MBS or SBA-Backed ABS Specified Pool Transactions will permit the broad dissemination initiative to begin, in furtherance of the public interest, the protection of investors, and just and equitable principles of trade, while providing notice that a limited number of MBS or SBA-Backed ABS Specified Pool Transactions, if reported late and for which the applicable RDID has been archived, will not be disseminated.[20] Further, the proposed rule change is in furtherance of the prevention of fraudulent and manipulative acts and practices because FINRA will continue to engage in surveillance of late transaction reporting and enforce a member's obligation to timely report to deter and address conduct that may interfere with the timely dissemination of transaction information.

In addition, FINRA believes that disseminating an MBS or SBA-Backed ABS Specified Pool Transaction immediately upon receipt of the transaction report in instances where some but not all of the data elements are available at the time the transaction is reported is consistent with providing additional transparency because the occurrence of such modified transaction dissemination will be limited and it provides information to the market to the extent it is available. Further FINRA believes the proposed additional transparency enhances the ability of investors and other market participants to identify and negotiate fair and competitive prices for such securities, aids in the prevention of fraudulent and manipulative acts and practices in the market in such securities, and is in furtherance of just and equitable principles of trade.

B. Self-Regulatory Organization's Statement on Burden on Competition

FINRA does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed amendments to the dissemination protocols are appropriate given the value of providing transparency in the market for MBS and SBA-Backed ABS Specified Pool Transactions, when weighed against the limited exception and modifications that FINRA proposes. FINRA's proposal to amend the dissemination protocols and proceed as scheduled on July 22, 2013, with the dissemination of MBS and SBA-Backed ABS Specified Pool Transactions, provides transparency in a market sector for the first time, which may foster more competitive, negotiated, and fairer pricing of such transactions among members, institutional investors and other investors, and, in some cases, may result in lower prices for investors.

Also, FINRA does not believe that the proposed rule change would result in any differential impact on members or data recipients. FINRA's surveillance and enforcement of a member's obligation to timely report would apply equally to all members. FINRA will surveil for late reporting of MBS or SBA-Backed ABS Specified Pool Transactions, especially late reporting that results in the non-dissemination of one or more MBS or SBA-Backed ABS Specified Pool Transactions and may provide a competitive advantage, and will enforce rigorously all member obligations, including timely reporting, to address such conduct and deter other members from engaging in such activity. In addition, all members would continue to be subject to transaction reporting fees, including late fees, and any member that reported MBS or SBA-Backed ABS Specified Pool Transactions late would be liable for late trade reporting fees under FINRA Rule 7730(b)(3). The proposed limited exception to dissemination also would not have a differential impact on data recipients, in that all data recipients would receive the same information.

Finally, FINRA's clarification that it will disseminate a MBS or SBA-Backed ABS Specified Pool Transaction immediately upon receipt of a transaction report in instances where some but not all of the data elements are available when the transaction is reported, provides notice of a dissemination practice that will have no differential impact in that all data recipients will receive the same information.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act[21] and Rule 19b–4(f)(6) thereunder.[22]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–FINRA–2013–022 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–FINRA–2013–022. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the

[20] *See* note 15.

[21] 15 U.S.C. 78s(b)(3)(A).

[22] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. FINRA has satisfied this requirement.

provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of FINRA. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–FINRA–2013–022 and should be submitted on or before July 2, 2013.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[23]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2013–13774 Filed 6–10–13; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–69701; File No. SR–CHX–2013–11]

Self-Regulatory Organizations; Chicago Stock Exchange, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the Order Cancellation Fee

June 5, 2012.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (''Act'')[2] and Rule 19b–4 thereunder,[3] notice is hereby given that on May 31, 2013, the Chicago Stock Exchange, Inc. (''CHX'' or ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of the Substance of the Proposed Rule Change

CHX proposes to amend its Schedule of Participant Fees and Assessments (the ''Fee Schedule'') to amend the Order Cancellation Fee. The Exchange proposes to implement the fee change on June 3, 2013. The text of this proposed rule change is available on the Exchange's Web site at *http://www.chx.com/rules/proposed_rules.htm,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Section E.8 of the Fee Schedule to change the value of the Near order multiplier (''N_{mult}'') from two (2) to four (4) for all security-types and to replace an obsolete citation. Under SR–CHX–2012–15, the Exchange adopted the current formula-based Order Cancellation Fee, which assesses a daily cancellation fee per Account Symbol,[4] if the order cancellation ratio exceeds a designated threshold.[5] In addition, the Exchange adopted security-type specific parameter values, such as the N_{mult}, in order to permit the Exchange to make adjustments to ensure equitable application of the Order Cancellation Fee.[6] To this end, the Exchange noted in footnote 10 of SR–CHX–2012–15 that ''changes to any of the proposed parameter values, including Order Cancellation Fee, Cancellation Ratio, Threshold Away Amount, Minimum Duration and N_{mult}, will be made through proposed fee filings pursuant to Rule 19b–4.''[7]

The $N_{mult,}$ was adopted because the Exchange recognized that, *inter alia,* Wide orders (*i.e.* orders that are less marketable), as well as Near orders (*i.e.* orders that are more marketable), can be utilized to promote display liquidity. Thus, the purpose of the N_{mult} is to allow the Exchange to multiply the mitigating affect of Near orders on Wide orders and by extension, the overall order cancellation ratio. Practically speaking, a higher $N_{mult,}$ will result in a lower order cancellation ratio and thereby allow more Wide orders to be placed before an order cancellation fee is assessed.

Based on an analysis of nearly seven months of data, the Exchange has determined that the N_{mult} of two (2) is overly restrictive. For instance, the Exchange observed that a Participant was submitting and cancelling a significant number of Wide orders as part of a trading strategy designed to follow rapid changes to the National Best Bid and Offer (''NBBO''). When these cancellations were viewed within the totality of the trading strategy, the Exchange discovered that the Wide order cancellations were necessary to provide valuable display liquidity to the Exchange. After analyzing the trading activity of this Participant and other Participants, the Exchange determined that by increasing the N_{mult} value to four (4) for all security-types, the application of the Order Cancellation Fee will be adequately relaxed to better promote display liquidity. Consequently, the Exchange has decided to forego some Order Cancellation Fees that would be lost by increasing the N_{mult} in favor of promoting display liquidity.

Moreover, the Exchange proposes to replace an obsolete citation to the ''Do Not Display'' order display modifier with the correct citation to Article 1, Rule 2(c)(2).

The Exchange proposes to make these amendments to Section E.8 effective June 3, 2013. The formula by which the cancellation fee is derived shall continue to be calculated and made available to Participants daily, but billed after the end of the month.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act[8] in general, and furthers the objectives of Section 6(b)(4) of the Act[9] in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and other persons using any facility or system which the Exchange operates or controls. The Exchange believes that the amendment to the N_{mult} described herein should help to recoup some of the costs of administering and processing large

[23] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] A CHX ''Account Symbol'' is similar to the Market Participant Identifiers (''MPID'') issued by the Financial Industry Regulatory Authority.

[5] *See* Securities Exchange Act Release No. 68219 (November 13, 2012), 77 FR 69673 (November 20, 2012) (SR–CHX–2012–15); *see also* Section E.8 of the Fee Schedule.

[6] *Id.*

[7] *Id.*

[8] 15 U.S.C. 78f.

[9] 15 U.S.C. 78f(b)(4).

numbers of cancelled orders while fairly allocating costs among Participants according to system use. In addition, these changes to the Fee Schedule would equitably allocate reasonable fees among Participants in a non-discriminatory manner by properly imposing fees on those Participants which enter and subsequently cancel orders above a fixed threshold while not imposing fees on Participants that do not exceed this threshold.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed change to increase the N_{mult} value from two (2) to four (4) for all security-types contributes to the protection of investors and the public interest by promoting display liquidity on the Exchange. Since the Exchange does not propose to otherwise substantively modify the Order Cancellation Fee, the proposed change will not impose any burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change is effective upon filing pursuant to Section 19(b)(3)(A)(ii) of the Act [10] and subparagraph(f)(2) of Rule 19b–4 thereunder [11] because it establishes or changes a due, fee or other charge imposed by the Exchange.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

[10] 15 U.S.C. 78s(b)(3)(A)(ii).

[11] 17 CFR 240.19b–4(f)(2).

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–CHX–2013–11 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–CHX–2013–11. This file number should be included on the subject line if email is used.

To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549–1090, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal offices of CHX. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CHX–2013–11, and should be submitted on or before July 2, 2013.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[12]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2013–13772 Filed 6–10–13; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–69700; File No. SR–NASDAQ–2013–080]

Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Adopt Fees for the MOPB Routing Option under Rule 7018(a)

June 5, 2013.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on May 24, 2013 The NASDAQ Stock Market LLC (''NASDAQ'' or the ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') a proposed rule change as described in Items I, II and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

NASDAQ proposes to adopt fees for the new MOPB routing option under Rule 7018(a). The Exchange has designated the proposed changes as immediately effective, and proposes to implement the changes effective with the implementation of the MOPB order on June 14, 2013. The text of the proposed rule change is available on the Exchange's Web site at *http://www.nasdaq.cchwallstreet.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, NASDAQ included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the

[12] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

NASDAQ is proposing to adopt fees for the new MOPB routing option. On May 15, 2013, NASDAQ adopted the MOPB routing option, which will be implemented in mid-June.[3] NASDAQ is amending Rule 7018(a), which concerns fees assessed to members for the use of the order execution and routing services of the Nasdaq Market Center, to adopt associated fees assessed for execution of MOPB routing option orders. NASDAQ has determined to assess fees for the MOPB routing option that are identical to the fees assessed for execution of MOPP routing option orders. The MOPB routing option is very similar to the MOPP routing option, in that both order types require the member firm to enter the size and limit price of the order, which then routes only to protected quotations (''Protected Quotes''),[4] including the NASDAQ Market Center, but only for displayed size. Unlike the MOPP routing option, an order with the MOPB routing option will not route if, at the time of entry, the MOPB order's quantity is insufficient to clear the entire size of Protected Quotes, which are better than or equal to the order's limit price. In such a case, a MOPB order will instead cancel back immediately thus avoiding any execution. Also unlike the MOPP routing option, if shares of an order with the MOPB routing option remain un-executed after routing they will be immediately cancelled back to the member rather than posting to the NASDAQ book.

NASDAQ is proposing to assess the same fees for execution of MOPB routing option orders as are assessed for execution of MOPP routing option orders because of the similarity of the two routing options. Specifically, NASDAQ is proposing to assess a fee of $0.0035 per share executed for a MOPB order in a NASDAQ-[5] or NYSE-listed[6] security or a Tape B security,[7] except for those MOPB orders that execute at the New York Stock Exchange, which will be charged $0.0027 per share executed. NASDAQ notes that the fees assessed for MOPP routing option orders are assessed only on a shares executed basis. As such, both MOPP and MOPB routing options operate in the same manner for all executed shares, with the only difference being that some MOPB orders are canceled back in part or in full, as described above. Accordingly, NASDAQ believes that it is appropriate to assess the same fee, based on shares executed.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act[8] in general, and with Section 6(b)(4)[9] of the Act, in particular. The Exchange believes it is consistent with Section 6(b)(4) of the Act because it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility or system which the Exchange operates or controls. The proposed fee structure is equitable and not unfairly discriminatory because the Exchange would uniformly assess members the same fee structure to access the NASDAQ service. As noted, the MOPB order routing option is very similar to the MOPP order routing option, differing only in the initial requirements for order entry and how unexecuted shares are handled. Both order routing options route to all displayed protected quotes, including NASDAQ. As such, the costs incurred by NASDAQ in the execution and routing of the shares for both MOPP and MOPB routing options are identical and therefore assessing the same fees is reasonable.

B. Self-Regulatory Organization's Statement on Burden on Competition

NASDAQ does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended. The proposed fees allow NASDAQ to recapture the costs associated with offering an order routing option and the proposed fees are identical to the fees assessed for a very similar order routing option. For these reasons, NASDAQ does not believe that the proposed rule change will result in any burden on competition whatsoever.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing change has become effective pursuant to Section 19(b)(3)(A) of the Act,[10] and paragraph (f)[11] of Rule 19b–4, thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–NASDAQ–2013–080 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NASDAQ–2013–080. This file number should be included on the subject line if email is used.

To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the

[3] Securities Exchange Act Release No. 69631 (May 23, 2011) (SR–NASDAQ–2013–078).

[4] As defined by Rule 600(b)(58) of Regulation NMS.

[5] Rule 7018(a)(1).

[6] Rule 7018(a)(2).

[7] Rule 7018(a)(3).

[8] 15 U.S.C. 78f(b).

[9] 15 U.S.C. 78f(b)(4).

[10] 15 U.S.C. 78s(b)(3)(A).

[11] 17 CFR 240.19b–4(f).

public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal offices of NASDAQ. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NASDAQ–2013–080, and should be submitted on or before July 2, 2013.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[12]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2013–13775 Filed 6–10–13; 8:45 am]

BILLING CODE 8011–01–P

SMALL BUSINESS ADMINISTRATION

Small Business Size Standards: Waiver of the Nonmanufacturer Rule

AGENCY: U.S. Small Business Administration.

ACTION: Reopen the public comment period.

SUMMARY: The U.S. Small Business Administration is reopening the public comment period for the notice to rescind a class waiver of the Nonmanufacturer Rule for Aerospace Ball and Roller Bearings, North American Industry Classification System (NAICS) code 332991, Products and Services Code (PSC) 3110, made available for public comment on April 4, 2013 (78 FR 20371). The public comment period for the notice to rescind the class waiver for Aerospace Ball and Roller Bearings closed on June 3, 2013. The public comment period will reopen for 14 days from publication in response to a public request for additional review time.

DATES: The public comment period for the notice published on April 4, 2013 (78 FR 20371) will reopen and close 14 days after the date of publication in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: You may submit comments, identified by docket number SBA–2013–0004, by any of the following methods:

- Federal eRulemaking Portal: *http://www.regulations.gov.* Follow the instructions for submitting comments.
- Mail/Hand Delivery/Courier: Edward Halstead, Procurement Analyst, U.S. Small Business Administration, 409 3rd Street SW., 8th floor, Washington, DC 20416.

All comments will be posted on *www.Regulations.gov.* If you wish to include within your comment confidential business information (CBI) as defined in the Privacy and Use Notice/User Notice at *www.Regulations.gov* and you do not want that information disclosed, you must submit the comment by either Mail or Hand Delivery. In the submission, you must highlight the information that you consider is CBI and explain why you believe this information should be withheld as confidential. SBA will make a final determination, in its sole discretion, as to whether the information is CBI and therefore will be published or withheld.

FOR FURTHER INFORMATION CONTACT: Edward Halstead, (202) 205–9885, *Edward.halstead@sba.gov.*

SUPPLEMENTARY INFORMATION: Section 8(a)(17) of the Small Business Act (the Act), 15 U.S.C. 637(a)(17), and SBA's implementing regulations generally require that recipients of Federal supply contracts that are set aside for small businesses, Small Disabled Veteran Owned Small Business Concerns, Women-Owned Small Businesses, or Participants in the SBA's 8(a) Business Development Program provide the product of a domestic small business manufacturer or processor if the recipient is other than the actual manufacturer or processor of the product. This requirement is commonly referred to as the Nonmanufacturer Rule. 13 CFR 121.406(b). The Act authorizes SBA to waive the Nonmanufacturer Rule for any ''class of products'' for which there are no small business manufacturers or processors available to participate in the Federal market. In order to be considered available to participate in the Federal market for a class of products, a small business manufacturer must have submitted a proposal for a contract or received a contract from the Federal government within the last 24 months. 13 CFR 121.1202(c). SBA defines ''class of products'' as an individual subdivision within a North American Industry Classification System (NAICS) Industry Number as established by the Office of Management and Budget in the NAICS Manual. 13 CFR 121.1202(d). In addition, SBA uses Product Service Codes (PSCs) to further identify particular products within the NAICS code to which a waiver would apply. SBA may then identify a specific item within a PSC and NAICS code to which a class waiver would apply.

On April 4, 2013, SBA published a notice in the **Federal Register** announcing that SBA was considering rescinding a class waiver of the Nonmanufacturer Rule for Aerospace Ball and Roller Bearings, NAICS code 332991, PSC 3110, based on information submitted by several small business manufacturers of aerospace ball and roller bearings that have done business with the Federal government within the previous two years. 78 FR 20371. The public comment period for the notice to rescind the class waiver for Aerospace Ball and Roller Bearings closed on June 3, 2013. This notice announces a reopening of the public comment period until 14 days after the date of publication in the **Federal Register**.

Kenneth W. Dodds,

Director, Office of Government Contracting.

[FR Doc. 2013–13746 Filed 6–10–13; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Consensus Standards, Light-Sport Aircraft

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of availability; request for comments.

SUMMARY: This notice announces the availability of one new and seven revised consensus standards relating to the provisions of the Sport Pilot and Light-Sport Aircraft rule issued July 16, 2004, and effective September 1, 2004. ASTM International Committee F37 on Light Sport Aircraft developed the new and revised standards with Federal Aviation Administration (FAA) participation. By this notice, the FAA finds the new and revised standards acceptable for certification of the specified aircraft under the provisions of the Sport Pilot and Light-Sport Aircraft rule.

DATES: Comments must be received on or before August 12, 2013.

ADDRESSES: Comments may be mailed to: Federal Aviation Administration, Small Airplane Directorate, Programs and Procedures Branch, ACE–114, Attention: Terry Chasteen, Room 301, 901 Locust, Kansas City, Missouri 64106. Comments may also be emailed to: *9-ACE-AVR-LSA-Comments@faa.gov.*

[12] 17 CFR 200.30–3(a)(12).

All comments must be marked: Consensus Standards Comments, and must specify the standard being addressed by ASTM designation and title.

FOR FURTHER INFORMATION CONTACT: Terry Chasteen, Light-Sport Aircraft Program Manager, Programs and Procedures Branch (ACE–114), Small Airplane Directorate, Aircraft Certification Service, Federal Aviation Administration, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone (816) 329–4147; email: *terry.chasteen@faa.gov.*

SUPPLEMENTARY INFORMATION: This notice announces the availability of one new and seven revised consensus standards to previously accepted consensus standards relating to the provisions of the Sport Pilot and Light-Sport Aircraft rule. ASTM International Committee F37 on Light Sport Aircraft developed the new and revised standards. The FAA expects a suitable consensus standard to be reviewed at least every two years. The two-year review cycle will result in a standard revision or reapproval. A standard is issued under a fixed designation (*i.e.,* F2244); the number immediately following the designation indicates the year of original adoption or, in the case of revision, the year of last revision. A number in parentheses indicates the year of last reapproval. A reapproval indicates a two-year review cycle completed with no technical changes. A superscript epsilon (ε) indicates an editorial change since the last revision or reapproval. A notice of availability (NOA) will only be issued for new or revised standards. Reapproved standards issued with no technical changes or standards issued with editorial changes only (*i.e.,* superscript epsilon (ε)) are considered accepted by the FAA without need for a NOA.

Comments Invited: Interested persons are invited to submit such written data, views, or arguments, as they may desire. Communications should identify the consensus standard number and be submitted to the address specified above. All communications received on or before the closing date for comments will be forwarded to ASTM International Committee F37 for consideration. The standard may be changed in light of the comments received. The FAA will address all comments received during the recurring review of the consensus standard and will participate in the consensus standard revision process.

Background: Under the provisions of the Sport Pilot and Light-Sport Aircraft rule, and revised Office of Management and Budget (OMB) Circular A–119, ''Federal Participation in the Development and Use of Voluntary Consensus Standards and in Conformity Assessment Activities'', dated February 10, 1998, industry and the FAA have been working with ASTM International to develop consensus standards for light-sport aircraft. These consensus standards satisfy the FAA's goal for airworthiness certification and a verifiable minimum safety level for light-sport aircraft. Instead of developing airworthiness standards through the rulemaking process, the FAA participates as a member of Committee F37 in developing these standards. The use of the consensus standard process assures government and industry discussion and agreement on appropriate standards for the required level of safety.

Comments on Previous Notices of Availability

In the Notice of Availability (NOA) issued on February 22, 2012, and published in the **Federal Register** on April 23, 2012 the FAA asked for public comments on the new and revised consensus standards accepted by that NOA. The comment period closed on June 22, 2012. No public comments were received regarding the standards accepted by this NOA.

Consensus Standards in this Notice of Availability

The FAA has reviewed the standards presented in this NOA for compliance with the regulatory requirements of the rule. Any light-sport aircraft issued a special light-sport airworthiness certificate, which has been designed, manufactured, operated and maintained, in accordance with this and previously accepted ASTM consensus standards provides the public with the appropriate level of safety established under the regulations. Manufacturers who choose to produce these aircraft and certificate these aircraft under 14 CFR part 21, §§ 21.190 or 21.191 are subject to the applicable consensus standard requirements. The FAA maintains a listing of all accepted standards on the FAA Web site.

The Revised Consensus Standard and Effective Period of Use

The following previously accepted consensus standards have been revised, and this NOA is accepting the later revision. Either the previous revision or the later revision may be used for the initial certification of special light-sport aircraft until December 11, 2013. This overlapping period of time will allow aircraft that have started the initial certification process using the previous revision level to complete that process. After December 11, 2013, manufacturers must use the later revision and must identify the later revision in the Statement of Compliance for initial certification of special light-sport aircraft unless the FAA publishes a specific notification otherwise. The following Consensus Standards may not be used after December 11, 2013:

ASTM Designation F2243–05, titled: Standard Specification for Required Product Information to be Provided with Powered Parachute Aircraft

ASTM Designation F2245–11, titled: Standard Specification for Design and Performance of a Light Sport Airplane

ASTM Designation F2316–08, titled: Standard Specification for Airframe Emergency Parachutes

ASTM Designation F2355–10, titled: Standard Specification for Design and Performance Requirements for Lighter-Than-Air Light Sport Aircraft

ASTM Designation F2483–05, titled: Standard Practice for Maintenance and the Development of Maintenance Manuals for Light Sport Aircraft

ASTM Designation F2626–07, titled: Standard Terminology for Light Sport Aircraft

The Consensus Standards

The FAA finds the following new and revised consensus standards acceptable for certification of the specified aircraft under the provisions of the Sport Pilot and Light-Sport Aircraft rule. The following consensus standards become effective June 11, 2013 and may be used unless the FAA publishes a specific notification otherwise:

ASTM Designation F2243–11, titled: Standard Specification for Required Product Information to be Provided with Powered Parachute Aircraft

ASTM Designation F2245–12d, titled: Standard Specification for Design and Performance of a Light Sport Airplane

ASTM Designation F2316–12, titled: Standard Specification for Airframe Emergency Parachutes

ASTM Designation F2355–12, titled: Standard Specification for Design and Performance Requirements for Lighter-Than-Air Light Sport Aircraft

ASTM Designation F2483–12, titled: Standard Practice for Maintenance and the Development of Maintenance Manuals for Light Sport Aircraft

ASTM Designation F2626–12, titled: Standard Terminology for Light Sport Aircraft

ASTM Designation F2746–12, titled: Standard Specification for Pilot's Operating Handbook (POH) for Light Sport Airplane

ASTM Designation F2930–12, titled: Standard Guide for Compliance with Light Sport Aircraft Standards

Availability

These consensus standards are copyrighted by ASTM International, 100 Barr Harbor Drive, PO Box C700, West Conshohocken, PA 19428–2959. Individual reprints of a standard (single or multiple copies, or special compilations and other related technical information) may be obtained by contacting ASTM at this address, or at (610) 832–9585 (phone), (610) 832–9555 (fax), through *service@astm.org* (email), or through the ASTM Web site at *www.astm.org.* To inquire about standard content and/or membership or about ASTM International Offices abroad, contact Christine DeJong, Staff Manager for Committee F37 on Light Sport Aircraft: (610) 832–9736, *cdejong@astm.org.*

Issued in Kansas City, Missouri on May 31, 2013.

Earl Lawrence,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2013–13796 Filed 6–10–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Office of Commercial Space Transportation; Notice of Extension of Comment Period for the Draft Environmental Impact Statement for the SpaceX Texas Launch Site

AGENCY: DOT, Federal Aviation Administration (FAA), lead Federal agency; and National Aeronautics and Space Administration, National Park Service, U.S. Army White Sands Missile Range, U.S. Army Corps of Engineers, cooperating agencies.

ACTION: Notice of extension of comment period.

SUMMARY: A Notice of Availability (NOA) for the FAA's *Draft Environmental Impact Statement for the SpaceX Texas Launch Site* (Draft EIS) was published in the **Federal Register** by the U.S. Environmental Protection Agency (EPA) on April 19, 2013 (78 *FR* 23558). The FAA also published an NOA of the Draft EIS in the **Federal Register** on the same day (78 FR 23629). The comment period for the Draft EIS was to end on June 3, 2013 (45 days after publication of the proposal in the **Federal Register**). This notice extends the comment period to June 24, 2013 to allow the public additional time to comment on the Draft EIS.

DATES: Written comments must be received on or before June 24, 2013.

ADDRESSES: Please submit comments or questions regarding the Draft EIS to Ms. Stacey M. Zee, FAA Environmental Specialist, SpaceX EIS c/o Cardno TEC Inc., 275 West Street, Suite 110, Annapolis, MD 21401. Comments may also be submitted via email to *faaspacexeis@cardnotec.com* or by fax to (410) 990–0455.

Additional Information

On April 19, 2013, the FAA published a Notice of Availability of the Draft EIS in the **Federal Register** and requested comments. See 78 *FR* 23629. The comment period for the Draft EIS was originally scheduled to close on June 3, 2013. The EPA requested a comment period extension, changing the deadline for submitting comments on the Draft EIS to June 24, 2013.

An electronic version of the Draft EIS is available on the FAA Web site: *http://www.faa.gov/about/office_org/headquarters_offices/ast/environmental/nepa_docs/review/documents_progress/spacex_texas_launch_site_environmental_impact_statement/.* Additionally, a paper copy and an electronic version of the Draft EIS may be reviewed during regular business hours at the following Brownsville, Texas locations:

- Brownsville Public Library, 2600 Central Blvd.
- Southmost Branch Library, 4320 Southmost Blvd.
- University of Texas at Brownsville, Oliveira Library, 80 Fort Brown St.

FOR FURTHER INFORMATION CONTACT: Ms. Stacey M. Zee, Environmental Protection Specialist, Federal Aviation Administration, 800 Independence Avenue SW., Suite 325, Washington, DC 20591; email *Stacey.Zee@faa.gov;* or phone (202) 267–9305.

Issued in Washington, DC on: May 30, 2013.

Daniel Murray,

Acting Manager, Space Transportation Development Division.

[FR Doc. 2013–13814 Filed 6–10–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2010–0177]

Parts and Accessories Necessary for Safe Operation; Exemption Renewal for the Flatbed Carrier Safety Group

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of renewal of exemption; request for comments.

SUMMARY: FMCSA renews the Flatbed Carrier Safety Group's (FCSG) exemption which allows the securement of metal coils on a flatbed vehicle, in a sided vehicle, or in an intermodal container loaded with eyes crosswise, grouped in rows, in which the coils are loaded to contact each other in the longitudinal direction. Motor carriers may continue to use the pre-January 1, 2004 cargo securement regulations for the transportation of groups of metal coils with eyes crosswise, as this loading configuration is not currently covered under the Agency's commodity-specific rules for securing metal coils in 49 CFR 393.120. The Agency has concluded that granting this exemption renewal will maintain a level of safety that is equivalent to, or greater than, the level of safety achieved without the exemption. However, the Agency requests comments on this issue, especially from anyone who believes this standard will not be maintained.

DATES: This decision is effective June 11, 2013. Comments must be received on or before July 11, 2013.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) number FMCSA—by any of the following methods:

- Federal eRulemaking Portal: Go to *http://www.regulations.gov*. Follow the on-line instructions for submitting comments.
- Mail: Docket Management Facility, U.S. Department of Transportation, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001.
- Hand Delivery: Ground Floor, Room W12–140, DOT Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m. e.t., Monday through Friday, except Federal holidays.
- Fax: 1–202–493–2251.

Instructions: Each submission must include the Agency name and docket number for this notice. For detailed instructions on submitting comments and additional information on the exemption process, see the ''Public

Participation'' heading below. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. Please see the ''Privacy Act'' heading for further information.

Docket: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov* or to Room W12–140, DOT Building, New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Federal Docket Management System (FDMS) is available 24 hours each day, 365 days each year. If you want acknowledgement that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments on-line.

Privacy Act: Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement for the FDMS published in the **Federal Register** published on December 29, 2010 (73 FR 82132) or you may visit *http://edocket/access.gpo.gov/2008/pdf/E8-785.pdf.*

FOR FURTHER INFORMATION CONTACT: Mr. Luke W. Loy, Vehicle and Roadside Operations Division, Office of Bus and Truck Standards and Operations, MC–PSV, (202) 366–0676, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590–0001.

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 31136(e) and 31315(b)(1), FMCSA may renew an exemption from the Federal Motor Carrier Safety Regulations for a two-year period if it finds ''such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption.'' FCSG has requested a two-year extension for the exemption from 49 CFR 393.120 to allow motor carriers to comply with the pre-January 1, 2004 cargo securement regulations (then at 49 CFR 393.100(c)) for the transportation of groups of metal coils with eyes crosswise. The procedures for requesting an exemption (including renewals) are set out in 49 CFR part 381.

Basis for Renewing Exemption

FCSG applied for an exemption from 49 CFR 393.120 in 2010 to allow motor carriers to comply with the pre-January 1, 2004 cargo securement regulations for the transportation of groups of metal coils with eyes crosswise. On April 14, 2011, FMCSA published a notice of final disposition in the **Federal Register** granting the exemption (76 FR 20867). The renewal outlined in this notice extends the exemption through April 13, 2015, and requests public comment.

FMCSA is not aware of any evidence showing that compliance with the pre-January 1, 2004 cargo securement regulations for the transportation of groups of metal coils with eyes crosswise, in accordance with the conditions of the original exemption, has resulted in any degradation in safety. The Agency believes that extending the exemption for a period of two years will likely achieve a level of safety that is equivalent to, or greater than, the level of safety achieved without the exemption because the metal coils are grouped and secured together in the longitudinal direction, i.e., ''unitized,'' with the cargo securement system meeting all of the aggregate working load limit requirements of 49 CFR 393.106(d).

The exemption is renewed subject to the following requirements, provided motor carriers using the exemption continue to meet the aggregate working load limits of 49 CFR 393.106(d).

Coils with eyes crosswise: If coils are loaded to contact each other in the longitudinal direction, and relative motion between coils, and between coils and the vehicle, is prevented by tiedown assemblies and timbers:

(1) Only the foremost and rearmost coils must be secured with timbers having a nominal cross section of 4 x 4 inches or more and a length which is at least 75 percent of the width of the coil or row of coils, tightly placed against both the front and rear sides of the row of coils and restrained to prevent movement of the coils in the forward and rearward directions; and

(2) The first and last coils in a row of coils must be secured with a tiedown assembly restricting against forward and rearward motion, respectively. Each additional coil in the row of coils must be secured to the trailer using a tiedown assembly.

The exemption will be valid for two years unless rescinded earlier by FMCSA. The exemption will be rescinded if: (1) Motor carriers and/or commercial motor vehicles fail to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315.

Request for Comments

FMCSA requests comments from parties with data concerning the safety record of motor carriers transporting groups of metal coils with eyes crosswise, in accordance with the conditions of the original exemption, by July 11, 2013. The Agency will evaluate any adverse evidence submitted and, if safety is being compromised or if continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315(b)(1), FMCSA will take immediate steps to revoke the FCSG exemption.

Issued on: June 3, 2013.

Anne S. Ferro,

Administrator.

[FR Doc. 2013–13781 Filed 6–10–13; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[FMCSA Docket No. FMCSA–2013–0015]

Qualification of Drivers; Exemption Applications; Diabetes Mellitus

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to exempt 20 individuals from its rule prohibiting persons with insulin-treated diabetes mellitus (ITDM) from operating commercial motor vehicles (CMVs) in interstate commerce. The exemptions will enable these individuals to operate CMVs in interstate commerce.

DATES: The exemptions are effective June 11, 2013. The exemptions expire on June 11, 2015.

FOR FURTHER INFORMATION CONTACT: Elaine M. Papp, Chief, Medical Programs Division, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, Room W64–224, Department of Transportation, 1200 New Jersey Avenue SE., Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Electronic Access

You may see all the comments online through the Federal Document Management System (FDMS) at: *http://www.regulations.gov.*

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* and/or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Privacy Act: Anyone may search the electronic form of all comments received into any of DOT's dockets by the name of the individual submitting the comment (or of the person signing the comment, if submitted on behalf of an association, business, labor union, or other entity). You may review DOT's Privacy Act Statement for the Federal Docket Management System (FDMS) published in the **Federal Register** on January 17, 2008 (73 FR 3316).

Background

On April 4, 2013, FMCSA published a notice of receipt of Federal diabetes exemption applications from 20 individuals and requested comments from the public (78 FR 20381). The public comment period closed on May 6, 2013, and no comments were received.

FMCSA has evaluated the eligibility of the 20 applicants and determined that granting the exemptions to these individuals would achieve a level of safety equivalent to or greater than the level that would be achieved by complying with the current regulation 49 CFR 391.41(b)(3).

Diabetes Mellitus and Driving Experience of the Applicants

The Agency established the current requirement for diabetes in 1970 because several risk studies indicated that drivers with diabetes had a higher rate of crash involvement than the general population. The diabetes rule provides that ''A person is physically qualified to drive a commercial motor vehicle if that person has no established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control'' (49 CFR 391.41(b)(3)).

FMCSA established its diabetes exemption program, based on the Agency's July 2000 study entitled ''A Report to Congress on the Feasibility of a Program to Qualify Individuals with Insulin-Treated Diabetes Mellitus to Operate in Interstate Commerce as Directed by the Transportation Act for the 21st Century.'' The report concluded that a safe and practicable protocol to allow some drivers with ITDM to operate CMVs is feasible. The September 3, 2003 (68 FR 52441), **Federal Register** notice in conjunction with the November 8, 2005 (70 FR 67777), **Federal Register** notice provides the current protocol for allowing such drivers to operate CMVs in interstate commerce.

These 20 applicants have had ITDM over a range of 1 to 31 years. These applicants report no severe hypoglycemic reactions resulting in loss of consciousness or seizure, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning symptoms, in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the past 5 years. In each case, an endocrinologist verified that the driver has demonstrated a willingness to properly monitor and manage his/her diabetes mellitus, received education related to diabetes management, and is on a stable insulin regimen. These drivers report no other disqualifying conditions, including diabetes-related complications. Each meets the vision requirement at 49 CFR 391.41(b)(10).

The qualifications and medical condition of each applicant were stated and discussed in detail in the April 4, 2013, **Federal Register** notice and they will not be repeated in this notice.

Discussion of Comments

FMCSA received no comments in this proceeding.

Basis for Exemption Determination

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the diabetes requirement in 49 CFR 391.41(b)(3) if the exemption is likely to achieve an equivalent or greater level of safety than would be achieved without the exemption. The exemption allows the applicants to operate CMVs in interstate commerce.

To evaluate the effect of these exemptions on safety, FMCSA considered medical reports about the applicants' ITDM and vision, and reviewed the treating endocrinologists' medical opinion related to the ability of the driver to safely operate a CMV while using insulin.

Consequently, FMCSA finds that in each case exempting these applicants from the diabetes requirement in 49 CFR 391.41(b)(3) is likely to achieve a level of safety equal to that existing without the exemption.

Conditions and Requirements

The terms and conditions of the exemption will be provided to the applicants in the exemption document and they include the following: (1) That each individual submit a quarterly monitoring checklist completed by the treating endocrinologist as well as an annual checklist with a comprehensive medical evaluation; (2) that each individual reports within 2 business days of occurrence, all episodes of severe hypoglycemia, significant complications, or inability to manage diabetes; also, any involvement in an accident or any other adverse event in a CMV or personal vehicle, whether or not it is related to an episode of hypoglycemia; (3) that each individual provide a copy of the ophthalmologist's or optometrist's report to the medical examiner at the time of the annual medical examination; and (4) that each individual provide a copy of the annual medical certification to the employer for retention in the driver's qualification file, or keep a copy in his/her driver's qualification file if he/she is self-employed. The driver must also have a copy of the certification when driving, for presentation to a duly authorized Federal, State, or local enforcement official.

Conclusion

Based upon its evaluation of the 20 exemption applications, FMCSA exempts Donald J. Barber (FL), Gary M. Bartley (LA), Ryan O. Carman (NC), Robert G. Costa (NJ), Robert V. Gray (LA), William J. Hannan, III (NJ), Ryan R. Hetro (PA), Daniel A. Johns (PA), Gary D. MacFarlane (ME), Ken R. Martin (IL), David J. Mathews (MN), Terrance M. Morrisette (MN), Shane J. Nesheim (WI), Troy D. Ostrowski (MN), Daniel J. Rau (ID), Robert E. Roach (MO), Jeremy D. Schroeder (OH), Jerry G. Severson, Jr. (IL), Kelly R. Troll (MN), Milfred R. Unruh (MS) from the ITDM requirement in 49 CFR 391.41(b)(3), subject to the conditions listed under ''Conditions and Requirements'' above.

In accordance with 49 U.S.C. 31136(e) and 31315 each exemption will be valid for two years unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) The person fails to comply with the terms and conditions of the 1/exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315. If the exemption is still effective at the end of the 2-year period, the person may apply to FMCSA

for a renewal under procedures in effect at that time.

Issued on: May 30, 2013.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2013–13777 Filed 6–10–13; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

Agency Information Collection Activity Under OMB Review; Reports, Forms and Recordkeeping Requirements

AGENCY: Maritime Administration, DOT.

ACTION: Notice and request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and approval. The nature of the information collection is described as well as its expected burden. The Federal Register Notice with a 60-day comment period soliciting comments on the following collection of information was published on March 26, 2013. No comments were received.

DATES: Comments must be submitted on or before July 11, 2013.

FOR FURTHER INFORMATION CONTACT: Bill Krufeh, Maritime Administration, 1200 New Jersey Avenue SE., Washington, DC 20590. Telephone: 202–366–2318; or email *bill.krufehs@dot.gov*. Copies of this collection also can be obtained from that office.

SUPPLEMENTARY INFORMATION: Maritime Administration (MARAD)

Title: Application and Reporting Requirements for Participation in the Maritime Security Program.

OMB Control Number: 2133–0525.

Type of Request: Extension of currently approved collection.

Affected Public: Vessel Operators.

Form (s): MA–172.

Abstract: The Maritime Security Act of 2003 provides for the enrollment of qualified vessels in the Maritime Security Program Fleet. Applications and amendments are used to select vessels for the fleet. Periodic reporting is used to monitor adherence of contractors to program parameters.

Expiration Date of Approval: Three years from date of approval by the Office of Management and Budget.

Annual Estimated Burden Hours: 210 hours.

Addressee: Send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW., Washington, DC 20503, Attention: MARAD Desk Officer. Alternatively, comments may be sent via email to the Office of Information and Regulatory Affairs (OIRA), Office of Management and Budget, at the following address: *oira.submissions@omb.eop.gov.*

Comments Are Invited On: Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology. A comment to OMB is best assured of having its full effect if OMB receives it within 30 days of publication.

(Authority: 49 CFR 1.93)

Issued in Washington, DC on June 6, 2013.

Julie P. Agarwal,

Secretary, Maritime Administration.

[FR Doc. 2013–13844 Filed 6–10–13; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2013–0067]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel LIVERNANO; Invitation for Public Comments

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Notice.

SUMMARY: As authorized by 46 U.S.C. 12121, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

DATES: Submit comments on or before July 11, 2013.

ADDRESSES: Comments should refer to docket number MARAD–2013–0067. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. You may also send comments electronically via the Internet at *http://www.regulations.gov.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Linda Williams, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE., Room W23–453, Washington, DC 20590. Telephone 202–366–0903, Email *Linda.Williams@dot.gov.*

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel LIVERNANO is: INTENDED COMMERCIAL USE OF VESSEL: ''Occasional charter to special group'' GEOGRAPHIC REGION: ''Florida''.

The complete application is given in DOT docket MARAD–2013–0067 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR Part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR Part 388.

Privacy Act

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78).

By Order of the Maritime Administrator.

Dated: June 4, 2013.

Julie P. Agarwal,

Secretary, Maritime Administration.

[FR Doc. 2013–13842 Filed 6–10–13; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2013 0072]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel BAD INFLUENCE; Invitation for Public Comments

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Notice.

SUMMARY: As authorized by 46 U.S.C. 12121, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

DATES: Submit comments on or before July 11, 2013.

ADDRESSES: Comments should refer to docket number MARAD–2013–0072. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. You may also send comments electronically via the Internet at *http://www.regulations.gov.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Linda Williams, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE., Room W23–453, Washington, DC 20590. Telephone 202–366–0903, Email *Linda.Williams@dot.gov.*

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel BAD INFLUENCE is: INTENDED COMMERCIAL USE OF VESSEL: ''6 pack fishing charters'' GEOGRAPHIC REGION: ''Ohio.''

The complete application is given in DOT docket MARAD–2013–0072 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR Part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR Part 388.

Privacy Act

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By Order of the Maritime Administrator.

Dated: June 4, 2013.

Julie P. Agarwal,

Secretary, Maritime Administration.

[FR Doc. 2013–13837 Filed 6–10–13; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2013–0073]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel HOT ROD; Invitation for Public Comments

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Notice.

SUMMARY: As authorized by 46 U.S.C. 12121, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

DATES: Submit comments on or before July 11, 2013.

ADDRESSES: Comments should refer to docket number MARAD–2013–0073. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. You may also send comments electronically via the Internet at *http://www.regulations.gov.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Linda Williams, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE., Room W23–453, Washington, DC 20590. Telephone 202–366–0903, Email *Linda.Williams@dot.gov.*

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel HOT ROD is: INTENDED COMMERCIAL USE OF VESSEL: ''Charter Sport Fishing and Sightseeing'' GEOGRAPHIC REGION: ''Alaska (excluding waters in Southeastern Alaska and waters north of a line between Gore Point to Cape Suckling [including the North Gulf Coast and Prince William Sound])''.

The complete application is given in DOT docket MARAD–2013–0073 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR Part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR Part 388.

Privacy Act

Anyone is able to search the electronic form of all comments

received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78).

Dated: June 4, 2013.

By Order of the Maritime Administrator.

Julie P. Agarwal,

Secretary, Maritime Administration.

[FR Doc. 2013–13839 Filed 6–10–13; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2013 0070]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel ANGLER'S BOUNTY; Invitation for Public Comments

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Notice.

SUMMARY: As authorized by 46 U.S.C. 12121, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

DATES: Submit comments on or before July 11, 2013.

ADDRESSES: Comments should refer to docket number MARAD–2013–0070. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. You may also send comments electronically via the Internet at *http://www.regulations.gov.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Linda Williams, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE., Room W23–453, Washington, DC 20590. Telephone 202–366–0903, Email *Linda.Williams@dot.gov.*

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel ANGLER'S BOUNTY is: INTENDED COMMERCIAL USE OF VESSEL: ''Charter Fishing on Lake Erie'' GEOGRAPHIC REGION: ''Ohio.''

The complete application is given in DOT docket MARAD–2013–0070 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR Part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR Part 388.

Privacy Act

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Dated: June 4, 2013.

By Order of the Maritime Administrator.

Julie P. Agarwal,

Secretary, Maritime Administration.

[FR Doc. 2013–13833 Filed 6–10–13; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2013–0069]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel BEAR BOAT; Invitation for Public Comments

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Notice.

SUMMARY: As authorized by 46 U.S.C. 12121, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

DATES: Submit comments on or before July 11, 2013.

ADDRESSES: Comments should refer to docket number MARAD–2013–0069. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. You may also send comments electronically via the Internet at *http://www.regulations.gov.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Linda Williams, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE., Room W23–453, Washington, DC 20590. Telephone 202–366–0903, Email *Linda.Williams@dot.gov.*

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel BEAR BOAT is: *Intended Commercial Use of Vessel:* ''Crewed and unscrewed (bareboat) sailboat charters'' *Geographic Region:* ''California''.

The complete application is given in DOT docket MARAD–2013–0069 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR Part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the

comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR Part 388.

Privacy Act

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Dated: June 4, 2013.

By Order of the Maritime Administrator.

Julie P. Agarwal,

Secretary, Maritime Administration.

[FR Doc. 2013–13834 Filed 6–10–13; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2013 0071]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel EYE DOC; Invitation for Public Comments

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Notice.

SUMMARY: As authorized by 46 U.S.C. 12121, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

DATES: Submit comments on or before July 11, 2013.

ADDRESSES: Comments should refer to docket number MARAD–2013–0071. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. You may also send comments electronically via the Internet at *http://www.regulations.gov.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Linda Williams, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE., Room W23–453, Washington, DC 20590. Telephone 202–366–0903, Email *Linda.Williams@dot.gov.*

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel EYE DOC is: INTENDED COMMERCIAL USE OF VESSEL: ''Charter fishing on Lake Erie'' GEOGRAPHIC REGION: ''Ohio, Michigan''

The complete application is given in DOT docket MARAD–2013–0071 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR Part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR Part 388.

Privacy Act

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78).

By Order of the Maritime Administrator

Dated: June 4, 2013.

Julie P. Agarwal,

Secretary, Maritime Administration.

[FR Doc. 2013–13836 Filed 6–10–13; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2013–0067]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel LIVERNANO; Invitation for Public Comments

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Notice.

SUMMARY: As authorized by 46 U.S.C. 12121, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

DATES: Submit comments on or before July 11, 2013.

ADDRESSES: Comments should refer to docket number MARAD–2013–0067. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. You may also send comments electronically via the Internet at *http://www.regulations.gov.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Linda Williams, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE., Room W23–453, Washington, DC 20590. Telephone 202–366–0903, Email *Linda.Williams@dot.gov.*

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel LIVERNANO is: *Intended Commercial Use of Vessel:* ''Occasional charter to special group'' *Geographic Region:* ''Florida''.

The complete application is given in DOT docket MARAD–2013–0067 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-

flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR Part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR Part 388.

Privacy Act

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Dated: June 4, 2013.

By Order of the Maritime Administrator.

Julie P. Agarwal,

Secretary, Maritime Administration.

[FR Doc. 2013–13831 Filed 6–10–13; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

Denial of Motor Vehicle Defect Petition, DP12–001

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Denial of petition for a defect investigation.

SUMMARY: This notice describes the reasons for denying a petition (DP12–001) submitted to NHTSA under 49 U.S.C. Subtitle B, Chapter V, Part 552, Subpart A, requesting that the agency ''open an investigation'' into ''the repeated final drive bearing failure and possibly flawed assembly controls of the final drive unit on BMW K1200LT [motorcycles].''

FOR FURTHER INFORMATION CONTACT: Bob Young, Office of Defects Investigation (ODI), NHTSA; 1200 New Jersey Ave. SE; Washington, DC 20590. Telephone: 202–366–4806.

SUPPLEMENTARY INFORMATION: By letter dated November 28, 2011, Mr. Christopher D. Cimino wrote to NHTSA requesting that the agency open an investigation into ''the repeated final drive bearing failure and possibly flawed assembly controls of the final drive unit on BMW K1200LT [motorcycles]'' and to require BMW to ''recall the affected models for inspection of component wear and proper assembly of the [final drive].''

NHTSA reviewed the material provided by the petitioner and other pertinent data that the agency gathered since first learning of this issue in February, 2003. The results of this review and NHTSA's analysis of the petition's merit is set forth in the DP12–001 Petition Analysis Report, published in its entirety as an appendix to this notice.

For the reasons presented in the petition analysis report, it is unlikely that an order concerning the notification and remedy of a safety-related defect would be issued as a result of granting Mr. Cimino's request. Therefore, in view of the need to allocate and prioritize NHTSA's limited resources to best accomplish the agency's safety mission, the petition is denied.

Authority: 49 U.S.C. 30162(d); delegations of authority at CFR 1.50 and 501.8.

Issued on: June 5, 2013.

Nancy Lummen Lewis,

Associate Administrator for Enforcement.

Appendix

Petition Analysis—DP12–001

1.0 Introduction

On December 5, 2011 the National Highway Traffic Safety Administration (NHTSA) received a letter (dated November 28, 2011) from Mr. Christopher D. Cimino, requesting NHTSA to investigate repeated final drive bearing failure[s] on certain BMW K1200LT model motorcycles and require BMW to recall the affected models for inspection of component wear and proper assembly of the unit. In support of his request, Mr. Cimino cites: an earlier BMW motorcycle recall addressing a final drive oil loss issue (06V399); [1] related consumer complaints filed with NHTSA; [2] an internet-based registry of owners experiencing a final drive ''failure''; [3] an article appearing in a motorcycle related magazine; [4] and his own personal experience wherein he had to replace the final drive ring gear ball-type bearing twice. Mr. Cimino also included the damaged bearing parts from his most recent incident. While Mr. Cimino did not style his letter as a petition in accordance with 49 U.S.C. Part 552.4, NHTSA is treating it as such.

In analyzing the petitioner's allegations and preparing a response, NHTSA:

- Reviewed and analyzed the petitioner's November 28th letter and attachments;
- Discussed Mr. Cimino's allegations with him;
- Reviewed NHTSA consumer complaints identified by Mr. Cimino and those submitted to the agency after he filed his request;
- Reviewed Early Warning Reporting (EWR) data submitted by BMW pursuant to C.F.R. § 579.23;
- Reviewed information related to BMW's safety recall (06V399);
- Conducted a comprehensive internet-based search for information concerning sudden, unforeseen subject final drive bearing failure resulting in loss of motorcycle control;
- Reviewed NHTSA's consumer complaint database for relevant reports;
- Reviewed *www.bmwlt.com*, *www.ibmwr.org, www.bmwmoa.org,* and *www.bmwra.org* for relevant Internet forum postings;
- Analyzed data related to the internet-based registry of final drive-related complaints found at *www.bmwfinaldrive.com;*
- Conducted informal interviews with K1200LT owners at various BMW Motorcycle Owners of America (BMWMOA) and BMW Riders Association (BMWRA) national rallies;
- Participated in discussions with technical experts at the BMWMOA and BMWRA national rallies;
- Participated in discussions with BMW Motorrad (BMW's motorcycle division) dealer service personnel;
- Reviewed magazine articles pertaining to the final drive bearing issue, and conducted informal discussions with the authors of those articles;
- Conducted a comprehensive, internet-based search for information (including forum postings) concerning sudden, unforeseen subject final drive bearing failure resulting in loss of motorcycle control.

The information gathered and reviewed during this comprehensive effort fails to establish that a safety-related defect trend involving a final drive bearing failure exists in the subject motorcycles. Consequently, the petition is denied.

2.0 The Petioner's Allegations

The petitioner wrote to NHTSA on November 28, 2011 requesting that the agency open an investigation into ''the repeated final drive bearing failure and possibly flawed assembly controls of the final drive unit on BMW K1200LT [motorcycles].'' Prior to sending this letter, the petitioner experienced two crown gear bearing failures involving his model year (MY) 2001 K1200LT motorcycle. The first failure occurred in December, 2008 when the motorcycle had been driven 59,310 miles; the

[1] NHTSA Recall 06V399 was filed on 10–9–06. This recall addresses oil leaking from the speed sensor o-ring of approximately 700 BMW motorcycles.

[2] Mr. Cimino cites 145 consumer complaints which he found at *http://www-odi.nhtsa.dot.gov/complaints/.*

[3] Now defunct, a internet-based registry of related final-drive complaints could be found at *www.bmwfinaldrive.com.*

[4] Bill Shaw, ''Tarnished Roundel—Final Drive Failures Taint BMW's Image,'' *Motorcycle Consumer News,* Sep. 2008.

second failure occurred on October 21, 2011 at 75,994 miles. Neither incident resulted in a loss of control. The petitioner, an experienced motorcyclist, free-lance journalist, and Motorcycle Safety Foundation ''Rider Coach,'' alleged that the defect exposes subject vehicle operators to ''potential loss of control, possible crash, injury and . . . eventual fatality.'' Regarding his own experience, the petitioner stated that when the final drive bearing failed, the bearing parts could have caused the rear wheel to lock at speed, likely resulting in a loss of control. Further, the final drive oil leaking from the damaged bearing seal onto to rear tire could have resulted in a loss of traction for the rear wheel.

3.0 Subject Motorcycles

This analysis covers all MY 1998 through 2010 BMW K1200LT motorcycles (shown in Image (1) produced for sale in the United States. Weighing 866 lbs., this ''Luxury Tourer'' motorcycle is a direct competitor of the Honda ''Goldwing'' and was the heaviest motorcycle in BMW's lineup during those model years. As a ''full-dress'' touring motorcycle, it was also equipped with large capacity panniers and an integrated tail trunk giving it a ''payload'' weight-carrying capability of 456 lbs. (including driver and passenger) for a gross vehicle weight rating of 1,322 lbs. All subject motorcycles are equipped with BMW's ''Paralever'' rear suspension/shaft drive system.

Image 1

4.0 Subject ''Final Drive''

In 1988, BMW Motorrad introduced the ''Paralever'' rear suspension/shaft drive swingarm (an upgrade from the company's original ''Monolever'' single-sided swingarm first seen on the MY 1980 R80GS). All of the subject motorcycles are manufactured with a ''Paralever'' suspension/shaft drive (shown in Image 2). The ''final drive'' is this Paralever element:

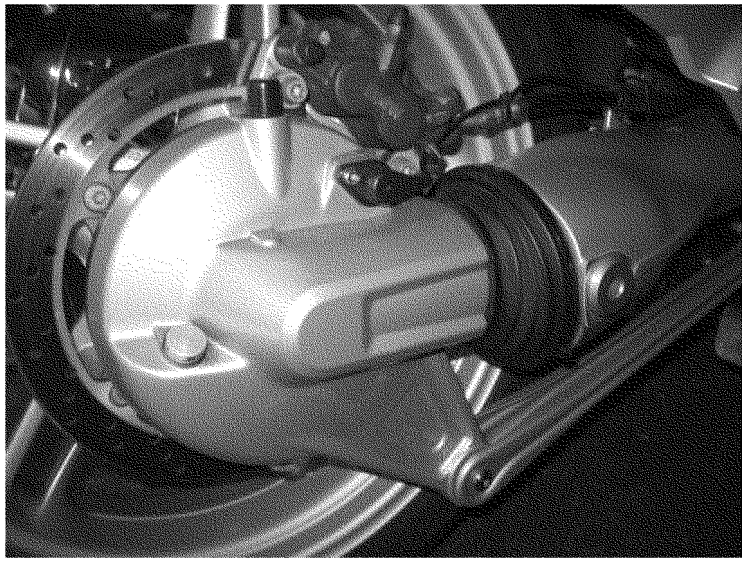

Image 2

Internally, the final drive is comprised of the components identified in Image 3. Owners report incidents of ''ball bearing'' (i.e., ''crown gear bearing'') and this analysis focuses on that allegation.

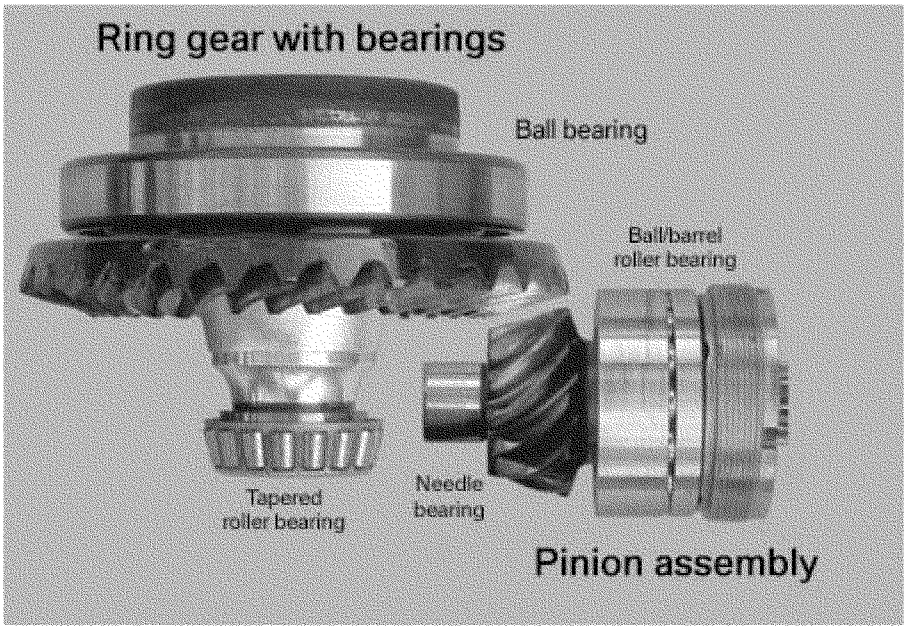

Image 3

5.0 Consumer Complaints

In analyzing this petition's merit, NHTSA gathered information about allegations of final drive bearing failures. In particular, NHTSA looked for indications that the failure(s) were sudden, unforeseen, and resulted in the driver's inability to control the motorcycle.

5.1 ''BMW FinalDrive.com'' Database

As owner concern about BMW final drive issues increased, an internet-based forum survey was conducted by a BMW motorcycle owner. By late 2009, at the survey's conclusion, 156 final drive bearing failure reports were logged with 70 involving the subject motorcycles. No verified crashes or loss of control allegations were noted.

Bearings give different warnings when they are failing including noise, increased vibrations, and the visible loss of bearing material. The alleged final drive bearing failures listed in the BMW FinalDrive.com database are consistent with these universally accepted bearing failure characteristics. Under ''Precursor,'' those filing complaint(s) reported they became aware of impending bearing failure in the following ways:

- Vibration/Noise—64 reports
- Oil leak—27 reports
- Unknown—26 reports
- Ride Quality—16 reports
- Drain plug (debris noted on the magnet)—14 reports
- Static rear wheel looseness—8 reports
- No Warning—1 report

5.2 Internet Forums

Numerous Internet forums concerning the alleged final drive bearing failures exist. Because the same person often posts about one event on multiple forums, obtaining an accurate count or verifying incidents is not practical. Nevertheless, NHTSA conducted a review of the forums and still failed to find any allegations of crown gear bearing failure that resulted in a loss of motorcycle control.

5.3 BMW Motorcycle Owners of America and BMW Riders Association Rallies

Since 2003, when NHTSA became aware of final drive failures on the subject motorcycles, the agency has attended 10 national rallies catering exclusively to BMW motorcycle owners. Both the BMW Motorcycle Owners of America (MOA) and the BMW Riders Association (RA) hold annual rallies drawing thousands of BMW motorcycle riders including hundreds of BMW K1200LT riders. During the rallies attended by NHTSA, the staff informally interviewed BMW motorcycle owners (including those with K1200LTs) about any final drive issues they might have experienced. While many owners expressed concern about the perceived safety consequence of a final drive failure, those who actually experienced a crown gear bearing failure reported that they retained complete control of the motorcycle when the incident occurred.

Additionally, while attending the rallies, NHTSA staff conducted seminars about the agency's safety defect program. During the question-and-answer portion of the seminars, NHTSA staff were asked about the agency's activities related to the BMW K1200LT final drive failure. As motorcyclists discussed their experience with a final drive bearing failure, NHTSA heard from many owners that a pre-ride check (as recommended by the Motorcycle Safety Foundation in its Basic Rider Course) would reveal if a bearing failure was imminent. If either rear wheel looseness and/or oil weeping from the ball bearing seal are noted, the bearing should be replaced before total failure occurs. Those who had experienced a final drive failure maintained that a loss of control could occur, but without exception, a loss of control was not reported.

5.4 BMW's Early Warning Reporting (EWR) Data

Since 2003, vehicle manufacturers have been required to provide EWR data to NHTSA on a quarterly basis. This data includes reports of incidents involving death(s) or injury(ies) and field reports. A comprehensive search of the BMW EWR data failed to identify any reports involving a K1200LT final drive failure.

5.4 NHTSA's Consumer Complaint Database

As of October 31, 2012, consumers have filed 122 reports with NHTSA involving BMW K1200LT motorcycles (with distinct vehicle identification numbers) alleging final drive failures. These reports were identified by searching NHTSA's database for all BMW complaints (cars and motorcycles) and manually reviewing them for relevance. In this way, NHTSA staff avoided searching too narrowly and identified all potential complaints. Complaints that either mentioned a final drive failure (even if the bearing wasn't identified) or described an event appearing consistent with a final drive failure were counted. In those instances where multiple failures were alleged, only the ''first'' failure was counted. Duplicative reports were not counted. Likewise NHTSA staff did not count those reports filed by K1200LT owners simply expressing a ''concern'' that their final drive *might* fail.

The following tables represent the complaint data received by NHTSA sorted by report year, vehicle model year, and incident year. By report year, NHTSA found the following data in its database:

Report year	Complaint count	Crashes
2002	12	0
2003	27	0
2004	13	0
2005	9	0

Report year	Complaint count	Crashes
2006	12	0
2007	8	0
2008	8	0
2009	8	0
2010	2	0
2011	2	0
2012	21	0
Total	*122*	*0*

By model year, NHTSA found the following data in its database:

Model year	Complaint count	Crashes
1999	39	0
2000	34	0
2001	16	0
2002	16	0
2003	9	0
2004	0	0
2005	4	0
2006	0	0
2007	1	0
2008	3	0
2009	0	0
2010	0	0
Total	*122*	*0*

By incident year, NHTSA found the following data in its database:

Incident year	Complaint count	Crashes
1999	1	0
2000	1	0
2001	6	0
2002	12	0
2003	22	0
2004	14	0
2005	10	0
2006	14	0
2007	6	0
2008	8	0
2009	10	0
2010	6	0
2011	6	0
2012	6	0
Total	*122*	*0*

5.4.1 The Petitioner's Complaint

On December 6, 2011, NHTSA received a letter (dated November 28, 2011) from Mr. Christopher Cimino about his MY 2001 BMW K1200LT motorcycle. In this letter, Mr. Cimino alleges he experienced two failures of the final drive ring gear ball bearing on his motorcycle. Mr. Cimino states that the first failure occurred in December, 2008 at 59,310 miles and that he paid Engle Motors of Kansas City (a BMW dealer) approximately $400 to repair the motorcycle.[5] Mr. Cimino further reports that his K1200LT sustained a second alleged final drive crown gear bearing failure on October 21, 2011 at 75,994 miles. Mr. Cimino states that he had the motorcycle repaired the second time by Coast Riders Powersports in San Luis Obispo, CA (an independent motorcycle shop).

Through subsequent contact with Mr. Cimino, the agency learned that he had ridden his BMW K1200LT in multiple ''Iron Butt'' rallies (*www.ironbutt.com*) and on the Barber race track at a Reg Pridmore CLASS event (*www.classrides.com*).

As with many K1200LT owners, Mr. Cimino claims that a crown gear bearing failure results in a condition that poses a risk to rider safety. Mr. Cimino also believes that if not for his ample riding experience, he would have lost control of his motorcycle and a crash would have occurred following the crown gear bearing failures he experienced on his motorcycle.

5.4.2 Calendar Year 2012 Complaints To NHTSA

On February 3, 2012, a posting by Mr. Cimino appeared on a number of motorcycle-related internet forums.[6] Within three hours, NHTSA received the first of 21 ''new'' complaints for BMW K1200LT final drive bearing failures. This count exceeded the number of final drive bearing failure complaints NHTSA had received in the previous 13 months.[7]

Below is a listing of the 21 complaints NHTSA received following Mr. Cimino's internet forum posting:

[5] Owners report a final drive repair or replacement cost averaging approximately $1,400.

[6] For an example, see *http://www.advrider.com/forums/showthread.php?t=761531.*

[7] From January 1, 2011 to February 3, 2012, the agency received two relevant reports . . . one was from Mr. Cimino.

Incident dte	Recv'd dte	Model yr	Failure mileage	Crash
6/21/11	2/3/12	2003	143740	N
7/21/10	2/3/12	2001	87000	N
3/14/11	2/4/12	2002	58000	N
4/10/10	2/4/12	2002	76244	N
12/6/08	2/6/12	2003	30876	N
7/10/10	2/8/12	2003	35116	N
5/18/10	2/8/12	2000	38696	N
2/1/12	2/15/12	1999	Unk	N
2/2/06	2/21/12	1999	Unk	N
6/17/11	2/24/12	1999	46000	N
2/25/12	3/5/12	2008	42000	N
6/15/09	3/13/12	2001	45151	N
7/15/11	5/3/12	2005	23200	N
5/3/12	5/9/12	2000	87822	N
4/8/10	6/7/12	2002	57010	N
7/17/09	6/29/12	1999	20500	N
5/1/09	7/5/12	2003	31555	N
8/24/12	8/29/12	2000	37550	N
9/24/04	9/6/12	1999	37290	N
5/15/12	10/11/12	1999	42000	N
4/15/12	10/22/12	2000	11500	N

6.0 NHTSA Analysis

In assessing the petitioner's claim that a failure of the final drive crown gear ball bearing unreasonably subjects BMW K1200LT operators to a ''potential loss of [vehicle] control, possible crash, injury and, if left unaddressed, eventual fatality,'' the agency reviewed consumer complaints filed with NHTSA as well as those posted on internet forums.

When NHTSA became aware of the alleged defect in 2003, the initial assessment was that, while final drive bearing failures posed a customer satisfaction issue for BMW, the crash risk was minimal. The subsequent nine years of subject motorcycle exposure without a crash reported appear to validate NHTSA's initial assessment. While the agency understands riders' concerns that a final drive bearing failure may result in a crash, NHTSA has not identified a single crash due to such a failure. NHTSA has found that when a bearing failure does occur on a K1200LT (even in those instances where the rider claims it was sudden and unforeseen), riders are able to bring their motorcycle to a safe stop.

7.0 Conclusion

Based on the foregoing analysis, it is unlikely that NHTSA would issue an order to recall and remedy the alleged defect. In view of that conclusion, the petition by Mr. Cimino is denied.

[FR Doc. 2013–13779 Filed 6–10–13; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–NEW]

Proposed Information Collection (Hand and Finger Disability Benefits Questionnaire) Activity: Comment Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA) is announcing an opportunity for public comment on the proposed collection of information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed new collection, and allow 60 days for public comment in response to the notice. This notice solicits comments on information needed for disability compensation or pension claims which require an examination and/or receiving private medical evidence that may potentially be sufficient for rating purposes.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before August 12, 2013.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System (FDMS), *www.Regulations.gov;* or to Nancy J. Kessinger, Veterans Benefits Administration (20M35), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420 or email: *nancy.kessinger@va.gov.* Please refer to ''OMB Control No. 2900–NEW (Hand or Finger Disability Benefits Questionnaire)'' in any correspondence. During the comment period, comments may be viewed online through the FDMS.

FOR FURTHER INFORMATION CONTACT: Nancy J. Kessinger at (202) 632–8924 or Fax (202) 632–8925.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C. 3501–3521), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Hand and Finger Disability Benefits Questionnaire, VA Form 21–0960M–7.

OMB Control Number: 2900–NEW (Hand and Finger Disability Benefits Questionnaire).

Type of Review: New data collection.

Abstract: VA Form 21–0960M–7 will be used for disability compensation or pension claims which require an examination and/or receiving private medical evident that may potentially be sufficient for rating purposes.

Affected Public: Individuals or Households.

Estimated Annual Burden: 15,000 hours.

Estimated Average Burden per Respondent: 30 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 30,000.

Dated: June 5, 2013.

By direction of the Secretary.

Crystal Rennie,

VA Clearance Officer, Enterprise Records Service, Office of Information Security, Office of Information and Technology, U.S. Department of Veterans Affairs.

[FR Doc. 2013–13700 Filed 6–10–13; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0188]

Proposed Information Collection Activity: [Claim, Authorization and Invoice for Prosthetic Items and Services]; Comment Request

AGENCY: Veterans Health Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Health Administration (VHA) is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed revision of a currently approved collection, and allow 60 days for public comment in response to the notice. This notice solicits comments on information needed to determine eligibility and authorize funding for various prosthetic services.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before August 12, 2013.

ADDRESSES: Submit written comments on the collection of information through the Federal Docket Management System (FDMS) at *www.Regulations.gov;* or to Cynthia Harvey-Pryor, Veterans Health Administration (10B4), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420 or email: *cynthia.harvey-pryor@va.gov.* Please refer to ''OMB Control No. 2900–0188'' in any correspondence. During the comment period, comments may be viewed online through FDMS.

FOR FURTHER INFORMATION CONTACT: Cynthia Harvey-Pryor at (202) 461–5870 or Fax (202) 495–5397.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C., 3501–3521), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VHA invites comments on: (1) whether the proposed collection of information is necessary for the proper performance of VHA's functions, including whether the information will have practical utility; (2) the accuracy of VHA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Titles:

(a) Request to Submit Quotation, Form Letter 10–90.

(b) Veterans Application for Assistance in Acquiring Home Improvement and Structural Alterations, VA Form 10–0103.

(c) Application for Adaptive Equipment Motor Vehicle, VA Form 10–1394.

(d) Prosthetic Authorization for Items or Services, VA Form 10–2421.

(e) Prosthetic Service Card Invoice, VA Form 10–2520.

(f) Prescription and Authorization for Fee Basis Eyeglasses, VA Form 10–2914.

OMB Control Number: 2900–0188.

Type of Review: Revision of a currently approved collection.

Abstract: The following forms will are used to determine eligibility, prescribe and authorize prosthetic devices:

a. VA Form Letter 10–90 is used to obtain to estimated price for prosthetic devices.

b. VA Form 10–0103 is used to determine eligibility/entitlement and reimbursement of individual claims for home improvement and structural alterations.

c. VA Form 10–1394 is used to determine eligibility/entitlement and reimbursement of individual claims for automotive adaptive equipment.

d. VA Form 10–2421 is used for the direct procurement of new prosthetic appliances and/or services. The form standardizes the direct procurement authorization process, eliminating the need for separate purchase orders, expedites patient treatment and improves the delivery of prosthetic services.

e. VA Form 10–2520 is used by the vendors as an invoice and billing document. The form standardizes repair/treatment invoices for prosthetic services rendered and standardizes the verification of these invoices. The Veteran certifies that the repairs were necessary and satisfactory. This form is furnished to vendors upon request.

f. VA Form 10–2914 is used as a combination prescription, authorization and invoice. It allows veterans to purchase their eyeglasses directly. If the form is not used, the provisions of providing eyeglasses to eligible Veterans may be delayed.

Affected Public: Individuals or households.

Estimated Total Annual Burden: 5,738.

(a) Form Letter 10–90—708.

(b) VA Form 10–0103—583.

(c) VA Form 10–1394—1,000.

(d) VA Form 10–2421—67.

(e) VA Form 10–2520—47.

(f) VA Form 10–2914—3,333.

Estimated Average Burden per Respondent:

(a) Form Letter 10–90—5 minutes.

(b) VA Form 10–0103—5 minutes.

(c) VA Form 10–1394—15 minutes.

(d) VA Form 10–2421—4 minutes.

(e) VA Form 10–2520—4 minutes.

(f) VA Form 10–2914—4 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 71,200.

a. Form Letter 10–90—8,500.

c. VA Form 10–0103—7,000.

d. VA Form 10–1394—4,000.

e. VA Form 10–2421—1,000.

f. VA Form 10–2520—700.

g. VA Form 10–2914—50,000.

Dated: June 5, 2013.

By direction of the Secretary:

Crystal Rennie,

VA Clearance Officer, Office of Information and Technology, U.S. Department of Veterans Affairs.

[FR Doc. 2013–13723 Filed 6–10–13; 8:45 am]

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Federal Register

Vol. 78, No. 112

Tuesday, June 11, 2013

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FEDERAL REGISTER PAGES AND DATE, JUNE

CFR PARTS AFFECTED DURING JUNE

At the end of each month the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Proclamations:
8988 33955
8989 33957
8990 33959
8991 33961
8992 34243

Executive Orders:
13622 (Amended by EO 13645) 33945
13645 33945

Administrative Orders:
Memorandums:
Memorandum of May 31, 2011 33943

5 CFR

Proposed Rules:
581 33912
582 33912
831 33912
838 33912
841 33912
842 33912
843 33912
848 33912
870 33912
890 33912

6 CFR

1000 33689

7 CFR

457 33690
3201 34867

Proposed Rules:
1710 ..... 33755, 33757

9 CFR

Proposed Rules:
317 34589

10 CFR

1 34245
2 34245
30 33691
40 ..... 33691, 34245
50 34245
51 34245
52 34245
70 ..... 33691, 34245
73 34245
100 34245
170 33691
171 33691

Proposed Rules:
20 33008
50 34604
70 33995
431 33263

12 CFR

237 34545
261 34874
380 34712
615 34550
621 34550
652 34550

14 CFR

39 ..... 33193, 33197, 33199, 33201, 33204, 33206, 34550
71 ..... 33963, 33964, 33965, 33966, 33967, 33968, 34522, 34553, 34554, 34555, 34556, 34557, 34558
95 32979
97 ..... 34559, 34561

Proposed Rules:
1 34935
23 34935
25 34935
27 34935
29 34935
39 ..... 33010, 33012, 33764, 33766, 33768, 33770, 34279, 34280, 34282, 34284, 24386, 34288, 34290, 34605, 34958, 34960
61 34935
71 ..... 33015, 33016, 33017, 33019, 33263, 33265, 33772, 34608, 34609
91 34935
121 34935
125 34935
135 34935

15 CFR

740 33692
742 33692
748 32981
774 33692
902 33243

17 CFR

37 ..... 33476, 33606
38 ..... 32988, 33606

21 CFR

522 33698
579 34565

22 CFR

41 33699
42 32989

26 CFR

40 34874
49 34874
54 33158
602 34874

27 CFR

4 34565

29 CFR

2590.....33158

31 CFR

Proposed Rules:
1010.....33774, 34008

32 CFR

65.....34250
706.....33208
2402.....33209
Proposed Rules:
199.....34292

33 CFR

100 .....32990, 33216, 33219, 33221, 33700, 33969, 34568, 34570, 34573, 34879, 34881, 34884, 34886, 34887
117 .....33223, 33971, 34892, 34893
165 .....32990, 33224, 33703, 33972, 33975, 34255, 34258, 34573, 34575, 34577, 34579, 34582, 34887, 34894, 34895, 34896, 34897
Proposed Rules:
151.....33774
165.....34293, 34300

34 CFR

Ch. III.....33228, 34261, 34897, 34901
Proposed Rules:
Ch. III.....34962
75.....34962

36 CFR

212.....33705
214.....33705
215.....33705
222.....33705
228.....33705
241.....33705
254.....33705
292.....33705

40 CFR

52 .....33230, 33726, 33977, 34584, 34903, 34906, 34910, 34911, 34915
62.....34918
81.....33230
180 .....33731, 33736, 33744, 33748
271.....33986
Proposed Rules:
49.....33266
50.....34178, 34964
51.....34178, 34964
52 .....33784, 34013, 34303, 34306, 34738, 34965, 34966, 34970, 34972
62.....34973
70.....34178, 34964
71.....34178, 34964
180.....33785
300.....33276
423.....34432
770.....34796, 34820

42 CFR

433.....32991

43 CFR

Proposed Rules:
3160.....34611

44 CFR

64.....33989
67.....33991
Proposed Rules:
67.....34014

45 CFR

146.....33158
147.....33158
155.....33233
156.....33233
160.....34264
164.....34264
1180.....34920

47 CFR

1.....33634
2.....33634
15.....34922
54.....32991
95.....33634
Proposed Rules:
1 .....33654, 34015, 34612
2 .....33654, 34015, 34309
15.....33654
20.....34015
22.....34015
24.....33654, 34015
25.....33654, 34309
27.....33654, 34015
52.....34015
54.....34016
73.....33654
90.....33654, 34015
95.....33654, 34015
97.....33654
101.....33654

48 CFR

204.....33993
209.....33994
227.....33994
252.....33994
1401.....34266
1452.....34266
1480.....34266
Proposed Rules:
2.....34020
4.....34020

49 CFR

214.....33754

50 CFR

300.....33240, 33243
622 .....32995, 33255, 33259, 34586
648.....34587, 34928
665.....32996
679.....33243
Proposed Rules:
17.....33282, 33790
223.....34309
224 .....33300, 34024, 34309
622.....34310
648.....33020
679.....33040

LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws**.

Last List June 5, 2013

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